

# MEETING AGENDA



## Planning & Zoning Commission

City Hall • 3800 Municipal Way • Hilliard, Ohio 43026  
and Live-Streaming on YouTube

**Thursday, May 12, 2022 | 7:00 pm**

- 1. Call to Order**
- 2. Pledge of Allegiance to the Flag**
- 3. Roll Call**
- 4. Approval of the Meeting Minutes – April 14, 2022**
- 5. Oath to Tell the Truth**
- 6. Changes to the Agenda (requests for postponements, withdrawals, or change in order of cases)**
- 7. Postponed Cases:**

**CASE 1: PZ-22-18 – Zoning Code Amendment**

**APPLICANT:** City of Hilliard, c/o Michelle Crandall, City Manager. 3800 Municipal Way, Hilliard, OH 43026.

**REQUEST:** Review & approval of a zoning code amendment to Code Section 1105.08 to add a definition for “Short-term Rental” to Code Section 1115.02 to add “Short-term Rental” and “Bed and Breakfast Inns” as permitted uses in the OH-MD, Old Hilliard Mixed Use District, and OH-RD, Old Hilliard Residential District, zoning districts and Code Chapter 1121 to add associated development standards.

**8. New Cases:**

**CASE 2: PZ-22-14 – Anderson Meadows Final Plat amendment – 6248 Roberts Road**

**PARCEL NUMBERS:** 050-011019 & 050-011018

**APPLICANT:** City of Hilliard, 3800 Municipal Way, Hilliard, OH 43026; and Matthew LaBuhn, 35 N. Fourth Street, Suite 100, Columbus, OH 43215.

**REQUEST:** Review & approval of an amended Final Plat under the provisions of Hilliard Code Section 1188.05 and the Anderson Meadows PUD Concept Plan to update Plat Note “C”.

**CASE 3: PZ-22-15 – Anderson Meadows PUD modification – 6248 Roberts Road**

**PARCEL NUMBERS:** 050-011019 & 050-011018

**APPLICANT:** City of Hilliard, 3800 Municipal Way, Hilliard, OH 43026; and Matthew LaBuhn, 35 N. Fourth Street, Suite 100, Columbus, OH 43215.

**REQUEST:** Review & approval of a modification of the Anderson Meadows PUD Development Text under the provisions of Hilliard Code Section 1117.08 to specify uses and development standards for Subareas C1 and C2.

**CASE 4: PZ-22-20 – Altus Direct Health – 3681 Fishinger Boulevard**

**PARCEL NUMBER:** 050-007274

**APPLICANT:** DC MRH Medical LLC/Alkire Offices LLC, 4653 Trueman Boulevard, Suite 100, Hilliard, OH 43026; c/o Abdirahim Rashid, 3681 Fishinger Boulevard, Hilliard, OH 43026.

**REQUEST:** Review & approval of a sign variance under the provisions of Hilliard Code Section 1129.08 to permit a temporary sign for a period of 6 months.

- 9. Discussion Items**
- 10. Chairman’s Communication**
- 11. Committee Communications**
- 12. Adjournment**

[END OF AGENDA | MAY 12, 2022]

# MEETING MINUTES

## Planning & Zoning Commission

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**Thursday, April 14, 2022 | 7:00 pm**

### CALL TO ORDER

Chairman Jay Muether called the Regular Meeting of Planning and Zoning Commission to order at 7:00 PM.

### PLEDGE OF ALLEGIANCE TO THE FLAG

Mr. Lewie led the Commission and attendees in the Pledge of Allegiance.

### ROLL CALL

Attendee Name:	Title:	Status:
Chairman Jay Muether	Chair	Present
Vice Chair Bevan Schneck	Vice Chair	Present
Eric Gutknecht	Member	Present
Chris Lewie	Member	Present
Tracy Nixon	Member	Present
Tom Pannett	Member	Present
Bill Uttley	Member	Present

**Staff Members Present:** Planning Director John Talentino, Planning Manager Carson Combs, Code Enforcement Officer Kristie Shaffer, Zoning Inspector Forest Runnels and Staff Attorney Kelly Clodfelder. Council Representative Peggy Hale was also in attendance.

**Others Present:** Alex Daray and Lotfi Khomsy representing L&A Auto Group; Mitchell Powell representing Sunoco; Stan Young representing Sherwin Williams; Glen Duggar and others representing Hickory Chase; Bryan Dougherty and Chris Mann representing Carr Farms; Dwight McCabe representing Alton Place; Richard Bailey, Susan Fleming, JD Fu and other interested residents.

### APPROVAL OF MEETING MINUTES – MARCH 20, 2022

Chairman Muether asked if there were any changes or corrections to the March 10, 2022, Planning and Zoning Commission minutes. With no comments, the minutes were approved by a voice vote.

<b>Status:</b>	Accepted by voice vote (7-0)
<b>Ayes:</b>	

### OATH TO TELL THE TRUTH

Staff Attorney Kelly Clodfelder administered the Oath to Tell the Truth.

### CHANGES TO THE AGENDA (requests for postponements, withdrawals, or change in order of cases)

Mr. Talentino suggested moving Case #7 up in the agenda before discussion regarding the zoning code. Chairman Muether agreed. Mr. Talentino introduced Kristie Shaffer and Forrest Runnels, who will be presenting cases this evening.

## NEW CASES:

### **CASE 1: PZ-22-6 – L & A Auto Group - 4896 Scioto Darby Road**

**PARCEL NUMBER:** 050-002579

**APPLICANT:** Rashid Salah, 4128 Hoffman Farms Drive, Hilliard, OH 43026; c/o Kamal Chinary, 2719 West Case Road, Columbus, OH 43235.

**REQUEST:** Review & approval of a Level “B” Site Plan under the provisions of Hilliard Code Chapter 1131 and a conditional use under the provisions of Hilliard Code Section 1123.03, 1123.04, 1123.16(b), and 1123.16(c) to permit vehicles sales and major vehicle repair on 0.93 acre.

[Mr. Talentino gave the staff report]

### **BACKGROUND:**

The site is 0.93 acre located on the north side of Scioto Darby Road opposite Scioto Farms Drive. It consists of a 2,800-square-foot building used for automotive repair. On April 14, 2016, the Commission approved a variance for additional wall signage. On March 12, 2020, the Commission approved a conditional use to permit a tire and brake shop and repair facility. The applicant is now requesting approval of a conditional use to permit major vehicle repair and vehicle sales.

### **COMMISSION ROLE:**

The Commission is to review the proposed conditional use for conformance to the provisions of Hilliard Code Chapter 1123. Conditional uses differ from permitted uses in that they may have a greater impact on the surrounding area and thus require special review and approval. The Commission is to ensure that the proposal will be compatible in this location. In considering the application, the Commission may impose such requirements and conditions as the Commission may deem necessary for the protection of adjacent properties and the public interest. In addition to all other requirements and conditions that the Commission may deem necessary, the Commission may, as it further deems necessary, deny any application for a conditional use.

### **STAFF RECOMMENDATION:**

Staff finds that the proposed Level “B” Site Plan, as amended per the conditions listed below, will be consistent with the purpose and intent of the Zoning Code. Based on this finding, staff recommends approval with the following 5 conditions:

- 1) That a variance from the Board of Zoning Appeals is obtained concerning vehicular use area interior and perimeter landscaping requirements;
- 2) That the landscape plan be revised to show 30 shrubs per 100 linear feet along the perimeter of the vehicular use areas, subject to staff approval;
- 3) That the plans are revised to demonstrate conformance to the provisions of the Hilliard Storm Water Design Manual, subject to the approval of the City Engineer;
- 4) That any signage shall meet the provisions of Hilliard Code Chapter 1129; and
- 5) That the vehicular use area improvements shown on the approved plan are completed prior to the issuance of a zoning certificate.

Staff finds that the proposed conditional use, as amended per the conditions below, will be consistent with the intent and purposes of the Zoning Code, will be compatible with the character of the general vicinity, and will not impede the normal and orderly development and improvement of the surrounding property. Staff finds that the location and scale of the use, the nature and intensity of the proposed operations, the site and layout as amended per the conditions listed below, and its relation to surrounding streets will not cause undue traffic



congestion or hazards adjacent to the site or in the immediate vicinity. Based on these findings, consistent with the provisions of Code Chapter 1123, staff recommends approval of the proposed conditional use with the following 4 conditions:

- 1) That the proposed use conforms to the provisions of Hilliard Code Section 1123.16(b) and 1123.16(c);
- 2) That hours of operation are from 8:00 a.m. to 8:00 p.m. daily;
- 3) That the outdoor storage of vehicle parts on the site is prohibited unless otherwise specifically approved by the Planning and Zoning Commission; and
- 4) That any expansion of the approved conditional use requires prior approval by the Planning and Zoning Commission.

**CONSIDERATIONS:**

- The site is 0.93 acre located on the northeast side of Scioto Darby Road approximately 1,400 feet northwest of Walcutt Road. It was most recently used for vehicle repair. The site and adjacent properties to the northwest and southeast are zoned B-2, Community Business District. To the southwest, across Scioto Darby Road, are single-family residences zoned R-3, Moderate Density Residential District. To the northwest is a vehicle repair business. To the southeast is a single-family residence. To the northeast is retired railroad corridor property.
- Code Section 1123.03 lists the following general standards for conditional uses:
  - a) The proposed use will be consistent with the intent and purposes of the zoning code and the City of Hilliard Comprehensive Plan.
  - b) The proposed use will comply with all applicable requirements of the zoning code, except as specifically altered in the approved conditional use.
  - c) The proposed use will be compatible with the character of the general vicinity.
  - d) The proposed use and site layout will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. Due consideration will be given to the location and height of proposed buildings and structures, location and type of proposed fences or walls, location and screening of parking areas, and the location and type of proposed landscaping.
  - e) The area and proposed use will be adequately served by essential public facilities and services, as applicable, such as highways, streets, police, and fire protection, drainage structures, refuse disposal, water and sewer. The applicant or landowner will be required to install public utilities, streets or other public infrastructure as required by the city, state or other agencies to applicable specifications that are necessitated by the conditional use development. Dedication of said public infrastructure may be required.
  - f) The proposed use will not involve uses, activities, processes, materials, equipment or conditions of operation, that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor or other characteristic not comparable to the uses permitted in the zoning district.
  - g) The location and scale of the use, the nature and intensity of the proposed operations, the site layout and the relation of the proposed use to surrounding streets will not cause undue traffic congestion or hazards adjacent to the site or in the immediate vicinity beyond that which would be normally expected based on the existing pattern of uses and the planned character reflected in the city's Comprehensive Plan. Peak hour volumes, turning movements, existing street capacity, driveway spacing, sight distances and pedestrian traffic shall all be considered.
- Code Section 1123.04 states that reasonable conditions may be imposed on the approval of a conditional land use in order to achieve the following:

- a) Ensure public services and facilities affected by the proposed use or activity will be capable of accommodating increased service and facility loads necessitated by the proposed use.
  - b) Ensure that the use is compatible with adjacent conforming land uses and activities.
  - c) Protect natural resources; the health, safety, and welfare; and the social and economic well-being of those who will use the land or activity under consideration, the residents, business owners and landowners immediately adjacent to the proposed use or activity, and the community as a whole.
  - d) Relate to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
  - e) Meet the purpose of the zoning code, be in compliance with the standards established in the code for the land use or activity under consideration, and be in compliance with the zoning district standards.
- Code Section 1123.16(b) lists the following use requirements for the “Sale of New and Used Automobiles” uses:
    - 1) The minimum lot size shall be one acre with a minimum lot width of 200 feet.
    - 2) Signs shall conform to the requirements of Chapter 1129. Flags, pennants, balloons, ribbons, or other attention getting devices are not permitted.
    - 3) Temporary or portable structures are not permitted.
    - 4) Outdoor displays shall conform to the following:
      - A. Vehicles, for sale or lease, shall be parked only on improved surfaces, as defined in this code.
      - B. Vehicle display areas shall meet the setback requirements for parking areas, as required for the respective zoning district.
      - C. Vehicle display or storage shall not be permitted in areas required for visitor, employee or service parking, as required by Chapter 1127 (off-street parking and loading).
      - D. All other merchandise available for sale, including, but not limited to, clothing, accessories, collectibles, etc., shall be sold and displayed within an enclosed building.
    - 5) All service work, including car washing, repair and general maintenance, shall be entirely conducted within an enclosed building.
    - 6) Audible paging systems or outdoor speakers are not permitted.
    - 7) The use of spotlights or similar equipment is prohibited.
  - Code Section 1123.16(c) lists the following use requirements for “Vehicle Repair, Major” uses:
    - 1) All main and accessory structures shall be set back a minimum of 75 feet from any Residential District or residential use.
    - 2) There shall be a minimum lot frontage of 100 feet on an arterial or collector street; and all access to the property shall be from that street.
    - 3) The number, location and design of driveways shall be subject to review and approval by the city traffic engineer.
    - 4) A raised curb of six inches in height shall be constructed along the perimeter of all paved and landscaped areas.
    - 5) Overhead doors shall not face a public street or Residential District or residential use. The Planning and Zoning Commission may modify this requirement upon a determination that there is no reasonable alternative and the visual impact will be diminished through use of building materials, architectural features and landscaping.
    - 6) Where applicable, vehicle queuing space for at least one vehicle shall be provided in front of each service bay.
    - 7) All maintenance and repair work shall be conducted completely within an enclosed building.
    - 8) There shall be no outdoor storage or display of vehicle components and parts, materials, commodities for sale, supplies or equipment.

- 9) Storage of wrecked, partially dismantled, or other derelict vehicles, or overnight parking of any vehicle except a tow truck shall be permitted up to 30 days in a designated area. Such area shall be appropriately screened from public view in accordance with the screening requirements of Section 1125.06.
- 10) If the use includes installation of oil or other automotive fluids except for fuel, the applicant shall submit a Pollution Incidence Protection Plan (PIPP). The PIPP shall describe measures to prevent groundwater contamination caused by accidental spills or leakage of gasoline or other hazardous materials, such as special check valves, drain back catch basins, and automatic shut off valves, as approved by the Norwich Township Fire Department and City Engineer.

#### Proposed Use

- The site currently has approximately 58 feet of asphalt at the Scioto Darby Road right-of-way line as a driveway entrance. The proposed plan shows that 20 feet of existing asphalt will be removed along the Scioto Darby Road frontage resulting in a 25-foot-wide driveway entrance and a minimum 20-foot pavement setback from the right-of-way line. The proposed plan shows an approximately 10,000-square-foot parking lot expansion on the southeast and northeast sides of the building.
- The building has one vehicle bay. Hilliard Code Section 1127.03 states that the required parking for a vehicle repair facility is 2 parking spaces per vehicle bay and 1 per employee. The number of employees has not been specified. The proposed plan shows 7 vehicle display parking spaces and two customer parking spaces in front of the building, and 14 parking spaces behind the building. Staff recommends that the hours of operation for this building be limited to between 8:00 a.m. and 8:00 p.m. The outdoor storage of vehicle parts is prohibited.
- Storm water management must conform to the provision of the Hilliard Storm Water Design Manual.
- The current site does not meet the landscaping requirements for perimeter landscaping for vehicular use area. The proposed plan shows two trees along the site's Scioto Darby Road frontage and shrubs along the sides of the front parking area. **[Staff recommends that the landscape plan be revised to show 30 shrubs per 100 linear feet along the perimeter of the vehicular use areas, consistent with the provisions of Hilliard Code Section 1125.05.]**
- Signage is not proposed with this application. All signage must conform to the provisions of the Sign Code.

[\[end of report\]](#)

Mr. Talentino indicated to the Commission that public input has been received from some of the neighbors. (A memo was provided to the Commission with received input). He indicated that residents are requesting limits to the time that the use can be open.

Mr. Lewie asked for confirmation on two motions. He asked if conditions would include a future building that would allow for an accessory building that could be used for parts storage; Mr. Talentino indicated that there would be options for that.

Mr. Uttley asked if there could be mounding; Mr. Talentino indicated that the Code requires the trees plus additional shrubs and that the mounding could be used as part of the screening. [Additional discussion about the slope and purpose of mounding ensued.] Mr. Uttley indicated that there should be a balance between the aesthetics of the site and the visibility for the use.

Chairman Muether voiced concern about the ability to do mounding given the drainage requirement; Mr. Talentino said that any site changes will need to be evaluated for engineering and utility requirements.

Mr. Schneck inquired about safety with the mounding. Mr. Talentino noted that sight visibility is required and that the mounding would be tapered to the entrance.

Ms. Hale asked if a future sidewalk would be possible if the landscaping and mounding is installed.

Mr. Gutknecht wondered if there were any sign proposed, and Mr. Talentino noted that any sign would need to meet Code requirements or come back to the Commission.

Mr. Gutknecht asked about the alignment of the entrance with the subdivision. Mr. Talentino noted that to align the entrance would require the adjacent property which is not part of the application. There is no shared access plan because of the number of narrow properties.

Chairman Muether asked Mr. Daray and Mr. Khomsi if they agreed with the conditions, and the applicant indicated that they had not seen them. [Mr. Talentino clarified for the record that the report was sent to the individual on record as being the contact for the applicant.] Chairman Muether inquired whether the applicant wished to postpone; Mr. Daray and Mr. Khomsi stated that they wished to move forward. They indicated that the change in time was agreeable, as are the other conditions.

Mr. Lewie asked if this was a different applicant that the previous case heard three years ago by the Commission. He also asked if they would work on commercial vehicles.

Alex Daray (5205 Willow Valley Way, Powell) and Lotfi Khomsi (6193 James Way, Hilliard) indicated they were a new business and that would only work on private vehicles (no commercial vehicles or trucks) for a maximum of a week at a time. They indicated they have been working at the site since August.

Ms. Hale noted that the concerns of residents and that a option could be considered to make a difference in time between repair work and sales to limit noise.

Richard Bailey (3391 Scioto Glen Drive, Hilliard) noted that he sent correspondence. He stated that the nearby roundabout had improved traffic and removed a neighborhood eyesore. He indicated that the business is currently operating with an average of 9 cars onsite. He said that vehicles do not have registration. Mr. Bailey had concerns that the definition of "vehicle sales" can include anything up to and including farm equipment and that "major auto repair" can include major body work, engine repair and salvage. He said the building probably does not meet EPA regulations or has any incident protection plan.

Susan Fleming (3381 Scioto Glen Drive, Hilliard) voiced concern about additional traffic in the neighborhood. She noted that trucks are dropping off wrecked vehicles and had concern about how site changes will impact traffic and whether approving the use will open more potential uses in the future.

Fu Jidong (3375 Scioto Farms Drive, Hilliard) said that tow trucks bringing in vehicles are a concern. He said there was a wreck recently in the area and traffic is increasing. He and the neighbors are worried about vehicles backing up to drop off cars.

Chairman Muether indicated that scaling the hours back to 7:00 was requested by one of the neighbors and is desired; The applicant nodded in agreement.

Ms. Nixon did not want any parking on Scioto Darby and wanted more explanation. Mr. Daray and Mr. Khomsi indicated that they would get probably 2 to 3 cars per week into the site per week off a wrecker. Deliveries would be primarily during the morning hours.

Ms. Clodfelder clarified for the Commission that they are making a recommendation to City Council for the conditional use request.

Mr. Uttley, seconded by Ms. Nixon, made a motion to approve the application for a Level B Site Plan under the provisions of Chapter 1131 with the following six conditions:

- 1) That a variance from the Board of Zoning Appeals is obtained concerning vehicular use area interior and perimeter landscaping requirements;
- 2) That the landscape plan be revised to show 30 shrubs per 100 linear feet along the perimeter of the vehicular use areas, subject to staff approval;
- 3) That the plans are revised to demonstrate conformance to the provisions of the Hilliard Storm Water Design Manual, subject to the approval of the City Engineer;
- 4) That any signage shall meet the provisions of Hilliard Code Chapter 1129;
- 5) That the vehicular use area improvements shown on the approved plan are completed prior to the issuance of a zoning certificate; and
- 6) Requiring mounding of the 20-foot greenspace at the front of the lot to include mounding of up to three feet in height as determined by staff, including the two trees shown on the plans and shrubs as required by Code.

<b>Status:</b>	Approved with six conditions (6-1).
<b>Mover:</b>	Bill Uttley
<b>Second:</b>	Tracey Nixon
<b>Ayes:</b>	Chairman Jay Muether, Vice Chair Bevan Schneck, Eric Gutknecht, Tracey Nixon, Tom Pannett, Bill Uttley
<b>Nays:</b>	Chris Lewie

Mr. Uttley, seconded by Mr. Gutknecht, made a motion to approve the request for a conditional use under the provisions of Hilliard Code Section 1123.03, 1123.04, 1123.16(b), and 1123.16(c) to permit vehicles sales and major vehicle repair on 0.93-acre with the following four conditions:

- 1) That the proposed use conforms to the provisions of Hilliard Code Section 1123.16(b) and 1123.16(c);
- 2) That hours of operation are from 8:00 a.m. to 7:00 p.m. daily;
- 3) That the outdoor storage of vehicle parts on the site is prohibited unless otherwise specifically approved by the Planning and Zoning Commission; and
- 4) That any expansion of the approved conditional use requires prior approval by the Planning and Zoning Commission.

<b>Status:</b>	Approved with four conditions (5-2).
<b>Mover:</b>	Bill Uttley
<b>Second:</b>	Eric Gutknecht
<b>Ayes:</b>	Chairman Jay Muether, Vice Chair Bevan Schneck, Eric Gutknecht, Tracey Nixon, Bill Uttley
<b>Nays:</b>	Chris Lewie, Tom Pannett

**CASE 2: PZ-22-12 – Sunoco - 4144 Main Street**

**PARCEL NUMBER:** 050-000136

**APPLICANT:** JNV Inc., 3047 Walkerview Road, Hilliard, OH 43026; and Tyler Sikkema, C&B Sign Services, 3620 Highland Green, Cincinnati, OH 45245.

**REQUEST:** Review & approval of a variance from Hilliard Code Section 1129.08 to permit a ground sign with internally illuminated LED fuel pricing.

[Mr. Runnels gave the staff report]

**BACKGROUND:**

The Sunoco site is comprised of 2 adjacent lots totaling approximately 0.49 acres; Parcel 050-002288 is the southernmost portion of the site totaling approximately 0.18 acres, and parcel 050-000136 is the northernmost portion of the site totaling approximately 0.31 acres. The site is located on the Southeast side of Main Street approximately 500 feet northeast of North Street. On July 11, 1990, the Old Hilliard Commission approved significant architectural changes to an existing gasoline station (former Marathon station) including the construction of a 1,680-square-foot canopy over the gasoline dispensers. On December 1, 1999, the Old Hilliard Commission approved a change in use and significant architectural changes for a Clark gas station/convenience store. That gasoline station/convenience store began operations and then ceased. After several years, the gasoline station/convenience store began operating under new ownership. On December 4, 2003, the Old Hilliard Commission approved significant architectural changes for temporary and permanent signs to reflect the name change. On April 10, 2008, the Commission approved significant architectural changes to permit a ground sign, as well as a variance to permit a temporary sign to display gasoline prices until the permanent sign was installed. On November 12, 2009, the Planning and Zoning Commission approved architectural changes for gas station signage with the following conditions:

- 1) That internal illumination of the then proposed signage is prohibited;
- 2) The proposed canopy signage is limited to one side only and a blue background with yellow lettering also allowing the diamond logo on the pumps;
- 3) That the applicant is limited to four colors within the historic color palette of the Hilliard Design Guidelines; and
- 4) That sign permits be obtained prior to the installation of any sign.

**COMMISSION ROLE:**

The Commission is to review the proposed signage for conformance to the provisions of Hilliard Code Section 1129.08.

**STAFF RECOMMENDATION:**

Staff finds that the proposal is generally consistent with the intent of the Sign Code. The proposed sign will be compatible with the character of the general vicinity. Staff recommends approval of the proposed sign with the following six conditions:

- 1) That only the pricer digits are to be internally-illuminated;
- 2) That plans be revised to demonstrate conformance to the provisions of the Sign Code concerning landscaping and light screening along the back and sides;
- 3) That the required landscaping and light screening is installed within 90 days after installation;
- 4) That the masonry base be cleaned as part of the project;
- 5) That no product advertisements are to be displayed on the sign; and
- 6) That a sign permit be obtained prior to installation.

**CONSIDERATIONS:**

- The site is zoned OH-MD, Old Hilliard Mixed Use District. The site abuts another OH-MD property to the Southwest, and the property to the East is zoned S-1, Support Facilities District.
- The Sunoco gas station/convenience store is a legal nonconforming use in the OH-MD District and includes DiCarlo's Pizza at 4142 Main Street.
- Per City Code section 1129.04(b)(9), interior-illuminated signs are prohibited in Old Hilliard. Several other gas stations in the city, however, have been approved for internally illuminated changeable pricing digits.

- Per City Code 1129.05, ground signs in Old Hilliard are permitted 24 square feet per face, a maximum of 3 different colors on the sign copy and are required to be landscaped entirely around the base to a width of 3 feet.
- Proposed signage consists of the following: An alteration of an existing ground sign that increases the square footage of the sign from 24 square feet to 40 square feet (per side). The total number of colors proposed is 5. The existing sign is currently externally illuminated with manually changed pricing digits. The applicant is requesting to alter the sign to have 14-inch, internally illuminated, electronic, changeable pricing digits. Lastly, the applicant is proposing to add a 3-foot mulch ring base with 3 evergreen plants on the East side of the sign facing Southbound traffic and adding the address to the sign.

[end of report]

Mr. Schneck inquired about the broken curbing at the base of the sign; Mr. Runnels noted that the area would be cleaned up as part of the project.

Mr. Gutknecht asked about the height of the sign and visibility; Mr. Runnels indicated that based on the location there will not be an obstruction.

Mr. Pannett asked how much larger the sign is versus the requirement; Mr. Runnels noted that the sign will be 40 square feet in area and the Old Hilliard standard is 24 square feet.

Mr. Lewie asked for a comparison, and Mr. Runnels noted that the proposed sign is similar to the Circle K and other area stations. He clarified that the fire department did not have any comments as part of the sign review.

Mr. Pannett asked if the applicant worked with staff on the size, and Mr. Runnels indicated that they were not open to changes in the shape of the sign.

Mitchell Powell (5 Robby Ridge Road, Milford, Ohio) representing C&B Sign Services and the applicant stated that they would be happy to remove the curbing next to the sign base.

Vice Chair Schneck, seconded by Mr. Lewie, made a motion to approve the application for a variance from Hilliard Code Section 1129.08 to permit a ground sign with internally illuminated LED fuel pricing with the following six conditions:

- 1) That only the pricer digits are to be internally-illuminated;
- 2) That plans be revised to demonstrate conformance to the provisions of the Sign Code concerning landscaping and light screening along the back and sides;
- 3) That the required landscaping and light screening is installed within 90 days after installation;
- 4) That the masonry base be cleaned as part of the project;
- 5) That no product advertisements are to be displayed on the sign; and
- 6) That a sign permit be obtained prior to installation.

<b>Status:</b>	Approved with six conditions (6-1).
<b>Mover:</b>	Vice Chair Bevan Schneck
<b>Second:</b>	Chris Lewie
<b>Ayes:</b>	Chairman Jay Muether, Vice Chair Bevan Schneck, Eric Gutknecht, Chris Lewie, Tracey Nixon, Bill Uttley
<b>Nays:</b>	Tom Pannett

**CASE 3: PZ-22-13 – Sherwin Williams – 3873 Park Mill Run Drive**

**PARCEL NUMBER:** 050-007277

**APPLICANT:** ExchangeRight Net-Leased Portfolio 54 DST, 1055 E. Colorado Boulevard, Suite 310, Pasadena, CA 91106; and Stan Young, Trinity Sign Group, 91 Lancelot Lane, Westerville, OH 43081.

**REQUEST:** Review & approval of a variance under the provisions of Hilliard Code Section 1129.08 to permit an additional wall sign and to reduce the minimum setback for a new ground sign on 1.609 acres.

[Ms. Shaffer gave the report]

**BACKGROUND:**

The overall site is 1.609 acres located on the north side of Park Mill Run Drive approximately 315 feet west of Fishinger Blvd. The site is zoned PUD, Planned Unit Development District, as part of the Mill Run PUD. All surrounding properties are also zoned PUD as part of the planned district. In March 1995, the Planning and Zoning Commission recommended the development plan for the Spagheddies Italian Kitchen at this location (adopted by City Council Resolution 95-C-11). Following the closure of the restaurant, City Council approved Resolution 20-R-84 on November 9, 2020, for a text modification to the Mill Run PUD to expand the list of uses for this site. There is one existing ground sign and one wall sign on the south elevation.

**COMMISSION ROLE:** The Commission is to review the proposal for conformance to the provisions of Hilliard Code Section 1129.08.

**STAFF RECOMMENDATION:**

Staff finds that the proposal is generally consistent with the intent of the Sign Code. The proposed signs will be compatible with the character of the general vicinity. Staff recommends approval of the proposed sign package with the following two conditions:

- 1) That required landscaping is installed within 90 days after the ground sign is installed; and
- 2) That sign permits be obtained for both signs prior to installation.

**CONSIDERATIONS:**

*Ground Sign*

- The proposed ground sign will be located approximately three feet from the right-of-way.
- The proposed ground sign is 34 square feet in overall size with 5' 8" in overall height and has an existing 20-inch base height.
- The proposed ground sign consists of a panel with ¼ inch reveal push-thru letters per code.
- The proposed ground sign panel has three colors including blue, white, and red.
- Although the location does not meet the 15-foot code setback requirement, staff finds the location of the sign to be consistent with the intent of the code and the existing site conditions.
- The applicant is requesting to use the existing ground sign base from a previous occupant with a new sign panel.

*Rear Wall Sign*

- The applicant is also requesting a second wall sign at the rear of their building. The site was approved for a 38-square-foot wall sign at the front of the building facing Park Mill Run on January 18, 2022
- The new proposed wall sign is 27 square feet with halo illumination that meets City code.
- Section 1129.05 of the Sign Code only permits 1 wall sign for properties with only 1 street frontage. The secondary wall sign meets all other code requirements for wall signs. The rear of this site, however, faces toward Cemetery Road and the Tudor Ditch reserve areas along the interchange.



[end of report]

Ms. Shaffer clarified that because the existing sign cabinet hangs over the base, the setback will actually be six feet instead of three feet as noted in the report.

Mr. Lewie asked about the size of the rear sign; Ms. Shaffer noted that it will be 27 square feet and that the colors and illumination will meet Code.

Stan Young (Trinity Sign Group, 91 Lancelot Lane, Westerville) noted that they agree with the conditions. As the request of Mr. Lewie, Mr. Young said that the temporary banner will be removed soon.

There were no additional questions for the applicant or testimony from the audience.

Mr. Lewie, seconded by Mr. Pannett, made a motion to approve the variance under the provisions of Hilliard Code Section 1129.08 to permit an additional wall sign and to reduce the minimum setback for a new ground sign on 1.609 acres with the following two conditions:

- 1) That required landscaping is installed within 90 days after the ground sign is installed; and
- 2) That sign permits be obtained for both signs prior to installation.

<b>Status:</b>	Approved with two conditions (7-0).
<b>Mover:</b>	Chris Lewie
<b>Seconders:</b>	Tom Pannett
<b>Ayes:</b>	Chairman Jay Muether, Vice Chair Bevan Schneck, Eric Gutknecht, Chris Lewie, Tracey Nixon, Tom Pannett, Bill Uttley

#### **CASE 4: PZ-22-16 – Ansmil PUD Subarea E1 modification – 4522 Hickory Chase Way**

**PARCEL NUMBERS:** 050-011722

**APPLICANT:** Hickory Chase Titleholder LLC, c/o Green Courte Partners LLC, 303 W. Madison, Suite 1500, Chicago, IL 60606; and Curtis Prill, EMH&T, 5500 New Albany Road, Columbus, OH 43054.

**REQUEST:** Review & approval of a modification of the Ansmil PUD Development Text for Subarea E1 under the provisions of Hilliard Code Section 1117.08 to specify the minimum building and pavement setbacks from Hickory Chase Way, to modify the exterior building material standards, and to modify the lighting standards.

[Mr. Talentino gave the report]

#### **BACKGROUND:**

The site is 14.394 acres located on the west side of Hickory Chase Way approximately 800 feet south of Davidson Road. It consists of a portion of Ansmil PUD Subarea E1. On December 13, 1999, City Council approved a rezoning by ordinance (99-57) to create the Ansmil PUD. On March 26, 2007, Council approved a resolution (07-R-08) to modify the Ansmil PUD to permit a continuing care retirement community within newly created Subarea E1. A final plat for the central portion of Britton Parkway, Anson Drive, and the Leap Road roundabout was approved by the Planning and Zoning Commission and City Council on November 8, 2007. On February 9, 2015, Council approved a resolution (14-R-86) to modify the Ansmil PUD concerning subarea boundaries, permitted uses, and development standards for Subarea E1.

The applicant is now requesting approval of a modification of the Ansmil PUD Development Text for Subarea E1 to specify the minimum building and pavement setbacks from Hickory Chase Way, to modify the exterior building material standards, and to modify the lighting standards.

### COMMISSION ROLE:

The Commission is to review the proposal for conformance with the provisions of Section 1117.08 of the Zoning Code and the intent of the Ansmil PUD Zoning Development Plan and Text. Following approval by the Commission, a resolution for the proposed PUD modification will be forwarded to City Council for review and approval.

### STAFF RECOMMENDATIONS:

Staff finds that the proposal can be a harmonious part of the Ansmil PUD. Staff finds that the proposal, as revised per the staff comments below, will be generally consistent with the provisions of Hilliard Code Section 1117.08 and the intent of the Ansmil PUD Zoning Development Plan and Text. Based on these findings, staff recommends that proposed modification of the Ansmil PUD Concept Plan and Development Text be approved with the following 5 conditions:

- 1) That the proposed text is revised to specify that the minimum setback from property lines other than those along a public right-of-way must be not less than 10 feet for decks and not less than 3 feet for patios;
- 2) That the proposed PUD text modifications are reconciled to match the proposed representative building elevations, subject to staff approval, prior to being scheduled on a Council agenda;
- 3) That details for any proposed fencing are provided for Planning and Zoning Commission review;
- 4) That the proposed text is revised to specify that the proposed modifications are limited to the subject property and not the entire Subarea E1; and
- 5) That the proposed PUD Zoning Development Plan and Text are revised consistent with the staff recommendations listed below in the staff report prior to the case being scheduled on a Council agenda.

### CONSIDERATIONS:

- To the north is the Norwich Springs assisted living facility within Ansmil PUD Subarea B2. To the east, across Britton Parkway, is the Mount Carmel medical office building and undeveloped land within Ansmil PUD. To the south is undeveloped land within Ansmil PUD Subarea E1 zoned for continuum of care facility uses. To the west is the Hilliard Branch of the Columbus Metropolitan Library.

### Community Plan Issues

- The Comprehensive Plan recommends the site for Senior Housing uses. These areas may contain a variety of housing types and incorporate professional services intended to serve area residents. This area should include well defined passive green space with pedestrian access. Where possible, such facilities should be designed to encourage safe and convenient access to nearby retail uses and amenities.
- Building heights of 1 to 5 stories and net densities of 10-20 dwelling units per acre are recommended.

### Current Permitted Uses

- Permitted uses within Subarea E1 include Continuing Care Retirement Community, attached residential dwellings, attached residential dwellings with assisted care and/or long-term skilled nursing care, a long list of accessory uses to the Continuing Care Retirement Community, and park.

### Proposed PUD Plan and Text Modifications

- The following modifications are proposed to Subarea E1 of the approved PUD development plan and text:
  - 1) E1.01.3. – Specifies minimum building and pavement setback from Hickory Chase Way to be 20 feet.
  - 2) E1.01.4. – Specifies minimum 20-foot building and pavement setbacks from the north and south property lines of the overall Sub Area.
  - 3) E1.01.7. – Specifies minimum 20-foot setback for decks and patios from Hickory Chase Way. Specifies zero setback for decks and patios from any other property line. **[Staff recommends that**

**the minimum setback from other property lines be not less than 10 feet for decks and not less than 3 feet for patios. Additionally, staff recommends that any proposed fencing types and locations be identified. The Zoning Code does not permit fencing closer to the public right-of-way than the face of the building.]**

- 4) E1.02.4. – Requires fire apparatus access drives to be 24 feet wide unless otherwise approved by Norwich Township Fire Department.
- 5) E1.05.2. – Specifies external lighting for parking lots and drives shall be cut-off type fixtures. Decorative coach lighting may be used adjacent to residential units. Decorative coach lights may be building or post mounted and shall be compatible with the surrounding architecture.

**Staff recommends that the proposed text be revised to specify that the proposed modifications are limited to the subject property and not the entire Subarea E1.**

- Section B.2. of the approved PUD text requires all buildings to have four sided architecture with equivalent materials, fenestration and architectural details on all four sides of the building, provided, however, any residential building may reduce façade materials, fenestration, and detailing on any side which is “internal” and cannot be viewed from any public right-of-way or from any adjoining property, all architecture shall be subject to Planning and Zoning Commission review at the time of Final Development Plan.
- Section E1.03.2.a. of the approved PUD text requires warm-tone brick, decorative oversized masonry block, stone veneer or Ohio Limestone stucco stone (equal or better than Stone Products Corporation, type: Ohio Limestone) to be used on a minimum of 35 percent on each elevation of all structures (excluding windows and doors in calculating the minimum percentage of material required). At no time shall warm-tone brick, decorative oversized masonry block, stone veneer or Ohio Limestone stucco stone be less than 20 percent of the total façade including door and windows.

#### **Proposed Building Elevations**

- The proposed building elevations are for Building A which is representative of the architecture of the multiple building types shown on the site plan. The buildings have one story with gables on the front and rear of the building and hip roofs on the sides. The rear elevations (some of which will face Hickory Chase Way) demonstrate a similar level of architectural design as the front. A red brick wainscot is shown on all sides, with horizontal siding in two colors (gray and tan), and gray asphalt shingles. Side elevations have multiple windows. **[Staff finds that the proposed building elevations do not meet the minimum percentage of brick/stone required per the text; however, staff finds that the proposed building elevations are consistent with the requirement to have four-sided architecture. Staff recommends that the proposed PUD text modifications are reconciled to match the proposed representative building elevations prior to being scheduled on a Council agenda.]**

[\[end of report\]](#)

Mr. Uttley noted that there are interesting architectural details and inquired as to the siding materials; Mr. Talentino noted that the text includes multiple materials, but the siding will generally be composite siding. [there were no additional questions for staff]

Glen Dugger (Smith and Hale, 37 West Broad Street, Columbus) noted that he helped develop the text originally for the Ericsson Project. He said the text did not contemplate multiple developers and that the dedication of Hickory Chase Way had consequences because the text did not address setbacks. He said they are okay with the conditions.

Mr. Uttley said that the architecture is pleasing and having one-story buildings are welcome.

There was no public comment.

Ms. Nixon, seconded by Mr. Uttley, made a motion to approve a modification of the Ansmil PUD Development Text for Subarea E1 under the provisions of Hilliard Code Section 1117.08 to specify the minimum building and pavement setbacks from Hickory Chase Way, to modify the exterior building material standards, and to modify the lighting standards with the following five conditions:

- 1) That the proposed text is revised to specify that the minimum setback from property lines other than those along a public right-of-way must be not less than 10 feet for decks and not less than 3 feet for patios;
- 2) That the proposed PUD text modifications are reconciled to match the proposed representative building elevations, subject to staff approval, prior to being scheduled on a Council agenda;
- 3) That details for any proposed fencing are provided for Planning and Zoning Commission review;
- 4) That the proposed text is revised to specify that the proposed modifications are limited to the subject property and not the entire Subarea E1; and
- 5) That the proposed PUD Zoning Development Plan and Text are revised consistent with the staff recommendations listed in the staff report prior to the case being scheduled on a Council agenda.

<b>Status:</b>	Approved with five conditions (7-0).
<b>Mover:</b>	Tracey Nixon
<b>Seconded:</b>	Bill Uttley
<b>Ayes:</b>	Chairman Jay Muether, Vice Chair Bevan Schneck, Eric Gutknecht, Chris Lewie, Tracey Nixon, Tom Pannett, Bill Uttley

**CASE 5: PZ-22-17 – The Courtyards at Carr Farms Section 6 – 4852 Leppert Road**

**PARCEL NUMBERS:** 050-008252

**APPLICANT:** Epcon Carr Farms LLC, 500 Stonehenge Parkway, Dublin, OH 43017; and Sydney Berry, EMH&T, 5500 New Albany Road, Columbus OH 43054.

**REQUEST:** Review & approval of a Final Plat under the provisions of Hilliard Code Section 1188.05 and the Carr Farms PUD Concept Plan for a development consisting of 31 single-family lots on 8.398 acres.

[Mr. Combs gave the report]

**BACKGROUND:**

The site is 8.398 acres located on the east side of Leppert Road approximately 290 feet north of the intersection of Davidson Road and Bixshire Drive. On November 12, 2015, the Planning and Zoning Commission approved a PUD Concept Plan consisting of 157 single-family lots on 79.5 acres and a 6-month extension of the Concept Plan was granted that extended the approval through March 11, 2019. During the extension, the Commission approved a modification to the PUD Concept Plan to allow for 59 traditional single-family homes and 179 empty nester homes (September 13, 2018).

The Planning Commission approved a Final Plat for The Courtyards at Carr Farms Phase 1 on April 8, 2021, to begin construction that included 47 single-family lots on 24.423 acres. *On October 11, 2021, Resolution 21-R-62 was adopted by City Council to modify the PUD Concept Plan for 16 townhouse dwelling units and 50 empty nester homes on the 21.44 acres that comprise Subarea B (Sections 5 and 6).* A Final Plat for Section 5 was approved on February 10, 2022, for 31 total lots and 6 reserves on 13.297 acres. On March 10, 2022, the Commission also approved Final Plats for Sections 2 and 3, located in Subarea A. All three plats have been

approved by City Council and are in the process of being recorded. The applicant is now requesting approval of a Final Plat for Section 6 that consists of 31 single-family lots on 8.398 acres and is the balance of Subarea B.

**COMMISSION ROLE:**

The Commission is to review the proposed final plat for conformance to the provisions of the Courtyards at Carr Farms PUD Concept Plan and Hilliard Code Section 1188.05.

**STAFF RECOMMENDATION:**

Staff finds that the proposed final plat is consistent with the provisions of the Courtyards at Carr Farms PUD Concept Plan and Code Section 1188.05. Based on these findings, staff recommends approval of the proposed final plat with the following condition:

- 1) That the Final Plat meet the requirements of the City Engineer for format and content prior to being scheduled on a City Council agenda.

**CONSIDERATIONS:**

- The site consists of the southeastern portion of the Courtyards at Carr Farms PUD Subarea B. A total of 50 courtyard homes and 16 townhomes were approved with the PUD Concept Plan. This plat includes the final 31 courtyard home lots.
- Section 6 includes Reserve M for the creation of private streets (Embassy Drive, Champion Drive, Aristocrat Drive and the Brixshire Drive extension to connect to the south with the Brixston Subdivision).
- Reserve L (0.466-acre) will be located within the center of Section 6 and will be central greenspace owned and maintained by the Homeowners Association. The reserve will be landscaped in accordance with the approved PUD Concept Plan and includes a central sidewalk system that will provide pedestrian connectivity with the Leppert Road frontage.
- Private Roads will include sidewalk on the inside of the loop in front of Lots 241-250 and will also provide a sidewalk connection on the west side of Brixshire Drive.
- Development standards for single-family courtyard homes include 52-foot minimum lot width, 120-foot minimum lot depth, minimum 20-foot front yard, minimum 15-foot minimum setback to sidewalk for corner lots, minimum 5-foot side yard, minimum 12.5-foot rear yard from internal property lines, minimum 65-foot building setback from the eastern and southern overall property boundaries, and minimum 1,400-square-foot floor area. The proposed lots conform to the adopted text standards.

[\[end of report\]](#)

Bryan Dougherty (Epcon Communities, 500 Stonehenge Parkway, Dublin) noted their agreement with the conditions.

Mr. Pannett asked about street connections, and Mr. Combs noted that the plat does indicate a road connection to the Brixston Subdivision to the south consistent with the zoning. Mr. Combs said the streets within the development are private and would transition to the public street to the south. Mr. Combs also explained that the private streets will have sidewalk on one side within the development.

Mr. Pannett and Chairman Muether voiced his concern about future maintenance of the private street. Mr. Lewie noted that the city will get phone calls about snow removal.

Mr. Pannett, seconded by Mr. Lewie, made a motion to approve the final plat as consistent with the provisions of the Courtyards at Carr Farms PUD Concept Plan and Code Section 1188.05 with the following condition:

- 1) That the Final Plat meet the requirements of the City Engineer for format and content prior to being scheduled on a City Council agenda.

<b>Status:</b>	Approved with one condition (7-0).
<b>Mover:</b>	Tom Pannett
<b>Seconders:</b>	Chris Lewie
<b>Ayes:</b>	Chairman Jay Muether, Vice Chair Bevan Schneck, Eric Gutknecht, Chris Lewie, Tracey Nixon, Tom Pannett, Bill Uttley

**CASE 7: PZ-22-21 – Alton Place – Northwest corner of Roberts Road and Alton Darby Road**

**PARCEL NUMBERS:** 53-000006, 053-000615, 053-000616 and 053-000714

**APPLICANT:** Alton Place LLC, c/o Dwight McCabe, 7361 Currier Road, Plain City, OH 43064; and Fischer Homes, c/o Emily Page, 3940 Olympic Boulevard, #400, Erlanger, KY 41018.

**REQUEST:** Review & approval of a variance under the provisions of Hilliard Code Section 1129.08 to permit 5 subdivision development advertising signs with more than 4 colors and to permit increased maximum sign size and maximum height.

[Mr. Combs gave the report]

**BACKGROUND:**

The Alton Place HCD includes approximately 350.320 acres located at the northwest corner of Roberts Road and Alton Darby Road. The site was annexed into the City of Hilliard in 2009 and was assigned the A-1, Agricultural, zoning classification. In 2014, the site was rezoned from A-1 to R-R, Rural Residential (Ordinance 14-29). Located within the Big Darby Watershed, the Big Darby Accord Panel recommended approval for the Alton Place HCD with conditions on December 11, 2018.

Rezoning of the site was approved by City Council on June 8, 2020 (Ordinance 19-26) and included 148 single-family lots, 297 attached residential units, 53 acres of commercial uses and 171.7 acres of open space. The proposed final plat for Alton Place Section 1, Phase 1 was approved in February of this year and is in the process of being recorded. This application is to approve a comprehensive development sign package for the marketing and sales of lots within the development.

**COMMISSION ROLE:**

As a subdivision development advertising package for the 350-acre development, the applicant has requested modifications to sign requirements contained within the Sign Code. The Commission is to determine whether the proposed modifications are consistent with the requirements of Hilliard Code Section 1129.08.

**STAFF RECOMMENDATION:**

Staff finds that the proposed sign package is generally consistent with the intent with the Code. Given the nature of the signage, proposed placement, traffic speeds and size of the development, staff finds that the sign package, while deviating from the standards, will not impact the general character of the neighborhood or surrounding properties and will have no impact on governmental services. Based on these findings, staff recommends approval of the comprehensive subdivision development sign package with the following three conditions:

- 1) That the proposed subdivision sign package be permitted for a period of three years at which time any extension must be obtained from the Planning Commission;
- 2) That the proposed green “Coming Soon!” blade on the main entry signs be placed horizontally below the main sign face; and
- 3) That both main entrance signs be placed at least 15 feet from the edge of right-of-way outside of sight visibility triangles for safety consistent with the Code.

## CONSIDERATIONS:

- *Proposed Entrance Signs.* A total of two single-sided main entrance signs are proposed that will be placed at the Roberts Road and Alton Darby Road entrances. The 3-post signs will be a total of 12'-2" in height (Code limit is 6 feet) and include a 64-square foot sign face (Code limit is 32 square feet). A total of 5 colors are indicated and may be higher based on the individual logos of homebuilders. Staff recommends that the proposed "Coming Soon!" blade in green be placed below the main sign face to limit the overall size.
- *Proposed Housing Product Signs.* Additional signs designed like the entry signs are proposed within the site to identify different housing types/lots available for sale. The signs to identify Estate Homes, Patio Homes and other options will include a sign face of ~~36~~ 16 square feet and be seven feet tall.
- *Additional Code Requirements.* The Sign Code limits development signs to one per subdivision. Due to the size of the development and multiple frontages, the combination of two frontage signs with three internal signs is proposed.
- *Time Limitations.* Code requires that development signs are removed within one year or when 60 percent of the lots have been constructed or occupied (whichever is first). In the case of larger developments additional time will be necessary for build-out. Staff recommends that the proposed signs be approved for an extended period of three years to minimize procedural requirements and that any request for additional time beyond the three years be reviewed by the Commission when/if needed.
- Section 1129.08(d) sets forth the criteria by which the Commission evaluates any modifications from the established sign regulations:
  - (1) Whether the property will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
  - (2) Whether the variance sought is substantial;
  - (3) Whether the essential character of the neighborhood would be substantially altered or whether adjoining property owners would suffer substantial detriment as a result of granting the variance;
  - (4) Whether the variance would adversely affect the delivery of governmental services;
  - (5) Whether the property owner purchased property with knowledge of zoning restrictions;
  - (6) Whether the property owner's predicament feasibly can be obviated through some method other than variance; and
  - (7) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the requested variance.

[end of report]

Mr. Combs clarified that the internal signs as noted within the report will be 16 square feet (not 36 square feet). He also noted that the package includes designations for individual builders and that individual builders will not be provided additional development signs.

Mr. Gutknecht asked how much larger the signs are than the Code; Mr. Combs noted that the entry signs are 64 square feet and the code requirement is 32. Mr. Combs confirmed that due to the higher speed and a much larger development being on the edge of the city near the end of such large developments

Dwight McCabe (7361 Currier Road, Plain City) clarified that the size was to make the individual builder logos readable.

Mr. Dugger said he hopes that they will not have to return to the Commission for additional approval, but some housing products may sell slower; Mr. McCabe said that the commercial area will be coming back for development approval. He said that the sign on Alton Darby Road will have 2 faces and the one on Roberts will be canted with one side.



Mr. Gutknecht, seconded by Vice Chair Schneck, made a motion to approve a variance under the provisions of Hilliard Code Section 1129.08 to permit 5 subdivision development advertising signs with more than 4 colors and to permit increased maximum sign size and maximum height with the following three conditions:

- 1) That the proposed subdivision sign package be permitted for a period of three years at which time any extension must be obtained from the Planning Commission;
- 2) That the proposed green “Coming Soon!” blade on the main entry signs be placed horizontally below the main sign face; and
- 3) That both main entrance signs be placed at least 15 feet from the edge of right-of-way outside of sight visibility triangles for safety consistent with the Code.

<b>Status:</b>	Approved with three conditions (7-0).
<b>Mover:</b>	Eric Gutknecht
<b>Seconders:</b>	Vice Chair Bevan Schneck
<b>Ayes:</b>	Chairman Jay Muether, Vice Chair Bevan Schneck, Eric Gutknecht, Chris Lewie, Tracey Nixon, Tom Pannett, Bill Uttley

#### CASE 6: PZ-22-18 – Zoning Code Amendment

**APPLICANT:** City of Hilliard, c/o Michelle Crandall, City Manager. 3800 Municipal Way, Hilliard, OH 43026.

**REQUEST:** Review & approval of a zoning code amendment to Code Section 1105.08 to add a definition for “Short-term Rental” to Code Section 1115.02 to add “Short-term Rental” and “Bed and Breakfast Inns” as permitted uses in the OH-MD, Old Hilliard Mixed Use District, and OH-RD, Old Hilliard Residential District, zoning districts and Code Chapter 1121 to add associated development standards.

[Mr. Talentino gave the report]

#### BACKGROUND:

On October 27, 2014, Council adopted an ordinance (14-29) enacting a new Planning and Zoning Code and adopting a new Zoning Map. The applicant is requesting approval of a Zoning Code amendment concerning “Bed and Breakfast” and “Short-term Rental” uses.

#### COMMISSION ROLE:

The Commission is to review the proposal and forward a recommendation to Council.

#### STAFF RECOMMENDATION:

Staff finds that the proposal is consistent with the purpose of the Zoning Code to promote the public health, safety, morals, comfort, and general welfare of the City and its residents. Based on this finding, staff recommends that the Commission forward a positive recommendation to Council concerning the proposed Zoning Code amendment.

#### CONSIDERATIONS:

##### Definitions

- Section 1105.08 - The proposal will add the following definition:  
*Short-term Rental.* Any room or dwelling that is rented wholly or partly for a fee for less than thirty (30) consecutive days by persons other than the permanent occupant or owner from which the permanent occupant or owner receive monetary compensation, whether such compensation is paid directly by the short-term rental guest or is collected and remitted to the permanent occupant or owner by a hosting platform.



### Schedule of Uses

- Section 1115.02 – The proposal will add “Bed and Breakfast Inn” as a permitted use in the OH-MD and OH-RD zoning districts.
- Section 1115.02 – The proposal will add “Short-term Rental” as a permitted use in the OH-MD and OH-RD zoning districts.
- Section 1115.02 – Identifies Code Section 1123.13(a) for specific conditions for “Bed and breakfast inns” uses in the OH-MD or OH-RD zoning districts.
- Section 1115.02 – Identifies Code Section 1121.06(i) for specific conditions for “Short-term rental” uses in the OH-MD or OH-RD zoning districts.
- Section 1121.06(i) – The proposal adds the following conditions for “Short-term rental” uses:
  - (1) A short-term rental shall not provide more than six guest rooms plus a common area for use by all guests.
  - (2) A short-term rental shall be located only in a detached single-family dwelling, designed and constructed for single family use, which shall contain at least 1,500 square feet of useable floor area. For each guest room in excess of two, an additional 100 square feet of floor area shall be required.
  - (3) Cooking facilities shall not be permitted in short-term rental guest rooms.

[end of report]

Mr. Uttley voiced concerns about neighborhoods in other areas of Columbus being impacted by the amount of such rentals impacting ownership patterns and the turnover. He is concerned about impacting the character of areas, especially when short-term rentals can generate more income than long-term leasing.

Mr. Talentino said that ordinances vary widely around the country depending upon how detailed you want to be with registration and enforcement. He noted that hotels and apartments are using short-term systems to fill vacancies. He said Old Hilliard seemed like a good starting point.

Mr. Gutknecht said that there is more control with regulations in Old Hilliard.

Mr. Uttley has concerns about parking and what happens when homes are expanded or finished out to squeeze in more units.

Mr. Lewie voiced caution, particularly when it comes to things like long-term construction rental, seasonal workers...the price per day will have a large impact on the users.

Ms. Hale noted her use of short-term rentals around the country and that many places denote parking limitations Such as two car spaces per house or lot.

Vice Chair Schneck noted that state legislation is being considered to restrict local control; Mr. Talentino noted that this request is due to interest in Old Hilliard – not pending legislation.

Mr. Uttley noted that in the university area they are finishing out old basements to create more units.

Mr. Talentino said that registration is an option, but it must be weighted against other factors. He said that how many resources are needed is a factor – there are examples out there currently that are not being enforced.

Currently there have been no complaints, but eventually at some point there will be a problem. Mr. Talentino encouraged the Commission to research VRBO and Airb&b.

Ms. Clodfelder noted that staff can provide examples of other ordinances such as Dublin's and Columbus'.

Mr. Lewie, seconded by Chairman Muether, made a motion to postpone the case to the May meeting to allow for more research and additional discussion.

<b>Status:</b>	Postpone to the May meeting for additional discussion (7-0).
<b>Mover:</b>	Chris Lewie
<b>Second:</b>	Chairman Jay Muether
<b>Ayes:</b>	Chairman Jay Muether, Vice Chair Bevan Schneck, Eric Gutknecht, Chris Lewie, Tracey Nixon, Tom Pannett, Bill Uttley

#### CHAIRMAN'S COMMUNICATION

There were no additional items for communication.

#### COMMITTEE COMMUNICATIONS

Ms. Nixon reported that a session was held to explore programming for the new Community Center. She was surprised by the desire for a catering hall. The exercise included looking at programming elements and budget limitations to create a mix of uses within the project budget.

#### ADJOURNMENT

Chairman Muether, seconded by Mr. Uttley, motioned to adjourn at 8:56 p.m.

#### CERTIFICATION:

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Carson Combs, Planning Manager/Acting Clerk  
May 12, 2022

[END OF MINUTES | APRIL 14, 2022]

# STAFF REPORT

## Planning & Zoning Commission

City Hall • 3800 Municipal Way • Hilliard, Ohio 43026  
and Live-Streaming on YouTube



Thursday, May 12, 2022 | 7:00 pm

### CASE 1: PZ-22-18 – Zoning Code Amendment

**APPLICANT:** City of Hilliard, c/o Michelle Crandall, City Manager. 3800 Municipal Way, Hilliard, OH 43026.

**REQUEST:** Review & approval of a zoning code amendment to Code Section 1105.08 to add a definition for “Short-term Rental” to Code Section 1115.02 to add “Short-term Rental” and “Bed and Breakfast Inns” as permitted uses in the OH-MD, Old Hilliard Mixed Use District, and OH-RD, Old Hilliard Residential District, zoning districts and Code Chapter 1121 to add associated development standards.

### BACKGROUND:

On October 27, 2014, Council adopted an ordinance (14-29) enacting a new Planning and Zoning Code and adopting a new Zoning Map. The applicant is requesting approval of a Zoning Code amendment concerning “Bed and Breakfast” and “Short-term Rental” uses. A memo that includes a summary of multiple ordinances from around the country (with the attached ordinances) has been included for further discussion.

### COMMISSION ROLE:

The Commission is to review the proposal and forward a recommendation to Council.

### STAFF RECOMMENDATION:

Staff finds that the proposal is consistent with the purpose of the Zoning Code to promote the public health, safety, morals, comfort, and general welfare of the City and its residents. Based on this finding, staff recommends that the Commission forward a positive recommendation to Council concerning the proposed Zoning Code amendment.

### CONSIDERATIONS:

#### Definitions

- Section 1105.08 - The proposal will add the following definition:  
*Short-term Rental.* Any room or dwelling that is rented wholly or partly for a fee for less than thirty (30) consecutive days by persons other than the permanent occupant or owner from which the permanent occupant or owner receive monetary compensation, whether such compensation is paid directly by the short-term rental guest or is collected and remitted to the permanent occupant or owner by a hosting platform.

#### Schedule of Uses

- Section 1115.02 – The proposal will add “Bed and Breakfast Inn” as a permitted use in the OH-MD and OH-RD zoning districts.
- Section 1115.02 – The proposal will add “Short-term Rental” as a permitted use in the OH-MD and OH-RD zoning districts.

- Section 1115.02 – Identifies Code Section 1123.13(a) for specific conditions for “Bed and breakfast inns” uses in the OH-MD or OH-RD zoning districts.
- Section 1115.02 – Identifies Code Section 1121.06(i) for specific conditions for “Short-term rental” uses in the OH-MD or OH-RD zoning districts.
- Section 1121.06(i) – The proposal adds the following conditions for “Short-term rental” uses:
  - (1) A short-term rental shall not provide more than six guest rooms plus a common area for use by all guests.
  - (2) A short-term rental shall be located only in a detached single-family dwelling, designed and constructed for single family use, which shall contain at least 1,500 square feet of useable floor area. For each guest room in excess of two, an additional 100 square feet of floor area shall be required.
  - (3) Cooking facilities shall not be permitted in short-term rental guest rooms.

[END OF REPORT | PZ-22-18]

SUPPLEMENTAL MEMO AND ATTACHED  
ORDINANCES (74 PAGES)  
FOR PZ-22-18 – ZONING CODE AMENDMENT  
ARE AT THE END OF THE AGENDA PACKET

**CASE 2: PZ-22-14 – Anderson Meadows Final Plat Amendment – 6248 Roberts Road**

**PARCEL NUMBERS:** 050-011019 & 050-011018

**APPLICANT:** City of Hilliard, 3800 Municipal Way, Hilliard, OH 43026; and Matthew LaBuhn, 35 N. Fourth Street, Suite 100, Columbus, OH 43215.

**REQUEST:** Review & approval of an amended Final Plat under the provisions of Hilliard Code Section 1188.05 and the Anderson Meadows PUD Concept Plan for Reserves “B” and “C.”

**BACKGROUND:**

On July 12, 2010, City Council passed Ordinance 10-24 to rezone 50.074 acres on the north side of Roberts Road to the east of Alton Darby Road from R, Rural District to PUD, Planned Unit Development District for the construction of 76 single-family lots and 208 multi-family units and 7.4 acres of parkland known as the Anderson Meadows PUD. As part of that zoning, 22.8 acres of land on the south side of Roberts Road was dedicated to the City of Columbus as off-site open space consistent with the Big Darby Accord Master Plan.

The Final Plat for Anderson Meadows Section 1 was approved by the Planning and Zoning Commission on June 9, 2011, and City Council accepted the public improvements through Resolution 11-R-41 on June 27, 2011. As part of the platting process, general warranty deeds for Reserves B and C were accepted by City Council with the adoption of Resolution 12-R-27 on June 25, 2012. The recorded plat for Section 1 specifically denotes that Reserves B and C are to be used for the purposes of “open space, pathways and storm water runoff facilities.” Reserve C, however, was designated in the approved Anderson Meadows PUD Text to include an existing home to be used as an arts and cultural center.

**COMMISSION ROLE:**

This is a proposed amendment to Anderson Meadows Section 1 to replat Reserves B and C. The Commission is to review the amended plat for conformance to the provisions of the Anderson Meadows PUD Concept Plan and Hilliard Code Section 1188.05.

**STAFF RECOMMENDATION:**

Staff finds that the proposed final plat amendment is generally consistent with the intent of the original Anderson Farms PUD Concept Plan and Code Section 1188.05 and would allow viable options for the existing structure in Subarea C. Based on these findings, staff recommends approval of the proposed plat amendment with the following two conditions:

- 1) That necessary access easements be provided and recorded in conjunction with the plat modification, subject to review and approval by the City Engineer; and
- 2) That the plat modifications meet the requirements of the City Engineer for format and content prior to being scheduled on a City Council agenda.

**CONSIDERATIONS:**

- During the zoning process, the existing residence located on Reserve C was dedicated to the City as part of the parkland requirement for Anderson Meadows. The adopted PUD text specifically denotes the existing structure or a replacement building would serve as an *Arts Center*.

- Note C on the current Section 1 plat indicates that Reserves “B” and “C” are to be used for the purpose of “open space, pathways and storm water runoff facilities.” The plat note does not account for the use of the existing structure on Reserve C.
- The modified plat includes a new Note C [*New Reserve “B” as designated and delineated hereon shall be owned and maintained by the City of Hilliard, Ohio for storm water runoff, pathways and open space. New Reserve “C” as designated and delineated hereon, may be used as permitted by applicable zoning.*] Applicable zoning is addressed with text modifications proposed for Case #PZ-22-15.
- The plat modification includes a sanitary sewer easement from Glade Run Road to the back of the property. The purchaser of Reserve C shall be responsible for installing an approved sanitary line and discontinuing use of the on-site septic system.
- Access easements are being created to address the off-site vehicular access for Reserve C, portions of the public path system that cut across the corner of Reserve C and portions of the accessible walkway at the rear of Reserve C that access the public path. A water tap has also been approved and the purchaser of Reserve C will be responsible for connecting to municipal service.

[END OF REPORT | PZ-22-14]





GRAPHIC SCALE

(IN FEET)  
1 inch = 40 ft.



LOCATION MAP  
1"=2000' +/-

Situated in the State of Ohio, County of Franklin, City of Hilliard, Virginia Military Survey Number 6642, being all of Reserve "B" (2.220 acres) and all of Reserve "C" (0.245 acres) of Anderson Meadows Section 1, a subdivision of record in Plat Book 114, Pages 71 & 72, said Reserves being conveyed to the City of Hilliard Ohio by deeds of record in Instrument Number 201208240124736 and Instrument Number 201208240124735, respectively, all references being to the records of the Recorder's Office, Franklin County, Ohio.

The undersigned, the City of Hilliard Ohio, by Michelle Crandall, City Manager, owner of the lands platted herein, duly authorized in the premises, does hereby certify that this plat correctly represents its "Anderson Meadows Section 1, Replat of Reserves B & C", and does hereby accept this plat of same.

Note "C" on the plat for Anderson Meadows Section 1, Plat Book 114, Pages 71 & 72 is deleted in its entirety and replaced with the following: Note "C" - New Reserve "B", as designated and delineated hereon, shall be owned and maintained by the City of Hilliard, Ohio for storm water runoff, pathways and open space. New Reserve "C", as designated and delineated hereon, may be used as permitted by applicable zoning.

The easement shown hereon labeled "Sanitary Service Lateral" will be considered private in nature and will be an integral part of New Reserve "C". All current and future owners of New Reserve "C" will have exclusive rights to this easement for sanitary sewer purposes only, including maintenance.

In Witness Whereof, Michelle Crandall, City Manager of the City of Hilliard Ohio, has hereunto set her hand this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Signed and Acknowledged  
in the presence of:

City of Hilliard Ohio

by:

Michelle Crandall  
City Manager

STATE OF OHIO  
COUNTY OF FRANKLIN ss:

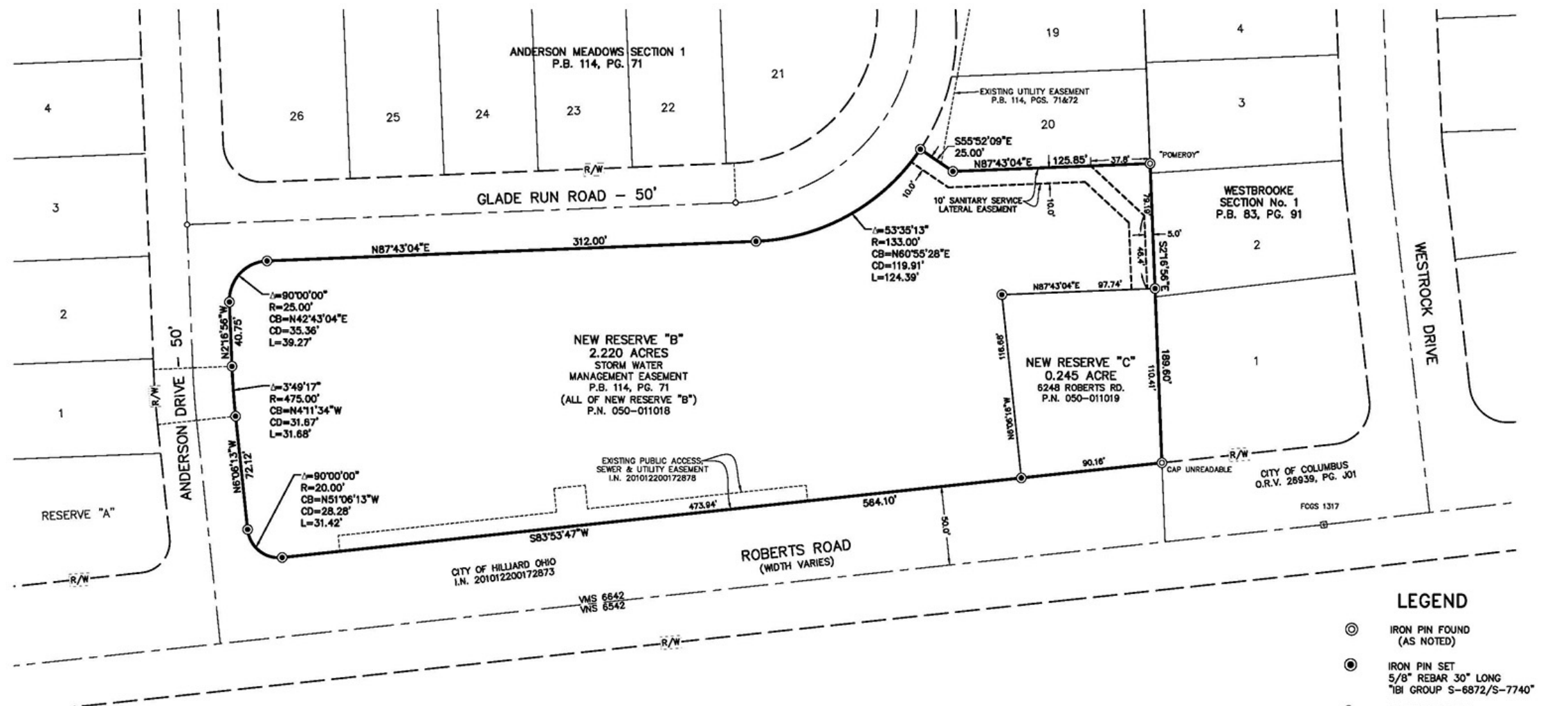
Before me, a Notary Public in and for said State, personally appeared Michelle Crandall, City Manager of the City of Hilliard Ohio, who acknowledged the signing of the foregoing instrument to be her voluntary act and deed and the voluntary act and deed of the City of Hilliard Ohio for the uses and purposes expressed therein.

In Witness Whereof, I have hereunto set my hand and affixed my official seal this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

My commission expires \_\_\_\_\_

Notary Public  
State of Ohio

# ANDERSON MEADOWS SECTION 1 REPLAT OF RESERVES "B" & "C"



## LEGEND

- ⊙ IRON PIN FOUND (AS NOTED)
- ⊙ IRON PIN SET 5/8" REBAR 30" LONG "IBI GROUP S-6872/S-7740"
- MAG NAIL FOUND
- ⊞ FRANKLIN COUNTY MONUMENT FOUND

## SURVEY DATA:

BASIS OF BEARING: BEARINGS HEREIN ARE BASED ON THOSE OF THE REFERENCED PLAT "ANDERSON MEADOWS SECTION 1" OF RECORD IN PLAT BOOK 114, PAGES 71 & 72.

IRON PINS: IRON PINS WHERE INDICATED HEREON, UNLESS OTHERWISE NOTED, ARE TO BE SET AND ARE REBAR 5/8" IN DIAMETER AND ARE 30" LONG WITH A PLASTIC CAP INSCRIBED "IBI GROUP S-6872/S-7740".

## FLOOD NOTE

RESERVES "B" & "C" SHOWN HEREON ARE LOCATED IN FLOOD ZONE "X" ACCORDING TO FEMA MAP No. 39049C0143 K WITH A EFFECTIVE DATE OF JUNE 17, 2008.

We do hereby certify that we have surveyed the above premises, prepared the attached plat and that said plat is correct. All dimensions are in feet and decimal parts thereof.

BY  
Robert S. Wynd  
Registered Surveyor No. 6872

Date \_\_\_\_\_

CITY OF HILLIARD

Approved this \_\_\_\_\_ day of \_\_\_\_\_  
2022, by the Planning and Zoning  
Commission

Chairman, Planning and Zoning  
Commission  
Hilliard, Ohio

Approved this \_\_\_\_\_ day of \_\_\_\_\_ 2022  
City Engineer, Hilliard, Ohio

Approved and accepted this \_\_\_\_\_ day of \_\_\_\_\_, 2022, by Resolution No. \_\_\_\_\_  
wherein the easement shown granted hereon is accepted, as such by the Council for  
the City of Hilliard, Ohio.

Council Clerk, Hilliard, Ohio

Transferred this \_\_\_\_\_ day of \_\_\_\_\_ 2022

Auditor, Franklin County, Ohio

Deputy Auditor, Franklin County, Ohio

Filed for record this \_\_\_\_\_ day of \_\_\_\_\_ 2022  
at \_\_\_\_\_ M. Fee \$ \_\_\_\_\_  
Recorder, Franklin County, Ohio

File No. \_\_\_\_\_

Recorded this \_\_\_\_\_ day of \_\_\_\_\_ 2022  
Deputy Recorder, Franklin County, Ohio

Plat Book \_\_\_\_\_ Page \_\_\_\_\_



IBI GROUP  
8101 North High Street, Suite 100  
Columbus OH 43235 USA  
tel 614 818 4900 fax 614 818 4901  
ibigroup.com



# ANDERSON MEADOWS

## SECTION 1

PLAT BOOK 114 PG 71

ATTACHMENT

1  
2

Situated in the State of Ohio, County of Franklin, City of Hilliard and in Virginia Military Survey Number 6642, containing 9.589 acres of land, more or less, said 9.589 acres being part of that tract of land conveyed to SCHOTTENSTEIN HOMES, LLC by deed of record in Instrument Number 201012200172862, Recorder's Office, Franklin County, Ohio.

The undersigned, SCHOTTENSTEIN HOMES, LLC, an Ohio limited liability company ("Grantor"), by PAUL S. COPPEL, Executive Vice President, owner of the lands platted herein, duly authorized in the premises, does hereby certify that this plat correctly represents its "ANDERSON MEADOWS SECTION 1", a subdivision containing Lots numbered 1 to 26, both inclusive, and those areas designated and delineated as Reserve "A", Reserve "B" and Reserve "C", does hereby accept this plat of same and dedicates to public use, as such, all of the Road, Drive and Lane, shown hereon and not heretofore dedicated.

Grantor hereby grants to the City of Hilliard, Ohio, its successors and assigns, easements in, over and under areas designated on this plat as "Easements" or "Storm Water Management Easements" (SWME). Each of the aforementioned designated Easements permits the construction, operation and maintenance of all public and quasi public utilities and television cable facilities above, beneath, and on the surface of ground and, where necessary, for the construction, operation and maintenance of service connections to all adjacent lots and lands, and for storm water drainage. Grantor hereby grants to the City of Hilliard, Ohio, its successors and assigns, an additional easement in, over and through the areas designated on this plat as "Storm Water Management Easements", for the purpose of constructing, operating and maintaining major storm water drainage arials and/or other storm water drainage facilities. No altering of grades and no above grade structures, dams, or other obstructions to the flow of storm water runoff are permitted within the Storm Water Management Easement areas as delineated on this plat unless approved by the Hilliard City Engineer.

In Witness Whereof, PAUL S. COPPEL, Executive Vice President of said SCHOTTENSTEIN HOMES, LLC, has hereunto set his hand this 18 day of September 2011.

Signed and Acknowledged  
In the presence of:

Nick S. St...  
By PAUL S. COPPEL  
Executive Vice President

STATE OF OHIO  
COUNTY OF FRANKLIN ss:

Before me, a Notary Public in and for said State, personally appeared PAUL S. COPPEL, Executive Vice President of said SCHOTTENSTEIN HOMES, LLC, who acknowledged the signing of the foregoing instrument to be his voluntary act and deed and the voluntary act and deed of said SCHOTTENSTEIN HOMES, LLC, for the uses and purposes expressed herein.

In Witness Whereof, I have hereunto set my hand and affixed my official seal this 18 day of September 2011.

My commission expires 8/1/2015 Christina Jam...  
Notary Public, State of Ohio



CITY OF HILLIARD

Approved this 21 day of October 2011, by the Planning and Zoning Commission

Paul S. Coppel  
Chairman, Planning and Zoning Commission,  
Hilliard, Ohio

Approved this 28 day of Oct 2011.

Clayton R. Seibert  
City Engineer,  
Hilliard, Ohio

Approved and accepted this 27 day of June 2011, by Resolution No. 11-6-41 wherein all of the Road, Drive and Lane shown dedicated hereon and the easements shown granted hereon are accepted, as such by the Council for the City of Hilliard, Ohio.

Lynne M. Jassone  
Council Clerk,  
Hilliard, Ohio

Ohio

Transferred this 2nd day of Nov 2011.

Clarence C. Minco II  
Auditor,  
Franklin County, Ohio  
Sharon Christian  
Deputy Auditor,  
Franklin County, Ohio

Filed for record this 2nd day of Nov 2011 at 1:55 P M. Fee \$ 172.80

Daphne Hawk  
Recorder,  
Franklin County, Ohio

File No. 20111020141347

Recorded this 2nd day of Nov 2011.

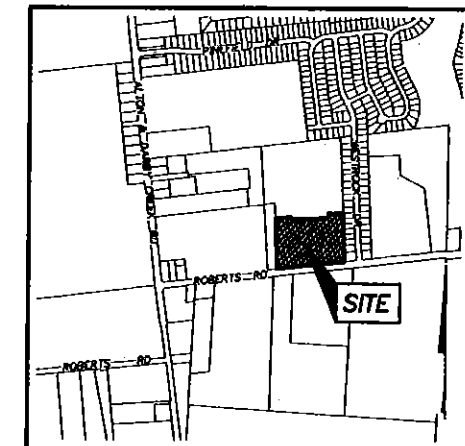
Tom Woodyard  
Deputy Recorder, Franklin County, Ohio

Plat Book 114, Pages 71-72

TRANSFERRED

NOV 02 2011

FRANKLIN COUNTY, OHIO



LOCATION MAP AND BACKGROUND DRAWING

SCALE: 1" = 1000'

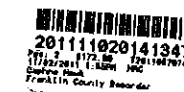
### SURVEY DATA:

**BASIS OF BEARINGS:** The bearings hereon are based on the Ohio State Plane Coordinate System South Zone as per NAD83 (1986 Adjustment). Control for bearings was from coordinates of monuments FCGS 1543 and FCGS 0020 RESET, having a bearing of North 06° 14' 42" West, established by the Franklin County Engineering Department, using Global Positioning System procedures and equipment.

**SOURCE OF DATA:** The sources of recorded survey data referenced in the plan and text of this plat, are the records of the Recorder's Office, Franklin County, Ohio.

**IRON PINS:** Iron pins, where indicated hereon, unless otherwise noted, are to be set and are iron pipes thirteen sixteenths inch inside diameter, thirty inches long with a plastic plug placed in the top end bearing the initials EMHT INC.

**PERMANENT MARKERS:** Permanent markers, where indicated hereon, are to be one-inch diameter, thirty-inch long, solid iron pins. Pins are to be set to monument the points indicated, and set with the top end flush with the surface of the ground and then capped with an aluminum cap stamped "EMHT INC." Once installed, the top of the cap shall be marked (punched) to record the actual location of the point.



SURVEYED & PLATTED  
BY



We do hereby certify that we have surveyed the above premises, prepared the attached plat, and that said plat is correct. All dimensions are in feet and decimal parts thereof.

- o = Iron Pin (See Survey Data)
- o = MAG Nail to be set
- o = Permanent Marker (See Survey Data)

By [Signature]  
Professional Surveyor No. 8250

Date 9/14/11



NOTE "A": No vehicular access to be in effect until such time as the public street right-of-way is extended and dedicated by plat or deed.

NOTE "B": RESERVE "A" - Reserve "A", as designated and delineated hereon, shall be conveyed to, owned and maintained by the Anderson Meadows Home Owners Association. The Articles of Incorporation and the by-laws for the homeowners association shall contain a provision stating that if the association fails to fulfill its maintenance obligations with respect to the Reserve "A", and it becomes necessary for the City of Hilliard to enter upon the reserve area to perform necessary maintenance, upon submission of an invoice for the amount of the City's cost and expense, the association shall make payments in full when due, and if necessary shall assess their respective members to pay such cost and expenses, and if the association fails to pay such costs and expenses, the City of Hilliard, as a beneficiary under this provision, shall be entitled to step into the shoes of the association and impose the assessments directly against each lot as if the city were the association itself. Prior to filing either the articles of incorporation or the by-laws for the homeowners association, the party responsible for the filing shall deliver a draft of each document to the Law Director for the City for confirmation that the documents contain the language set forth above.

NOTE "C": RESERVE "B" AND RESERVE "C" - Reserve "B" and Reserve "C", as designated and delineated hereon, shall be conveyed to, owned and maintained by the City of Hilliard, Ohio for the purpose of open space, pathways and storm water runoff facilities.

NOTE "D" - ACREAGE BREAKDOWN:

Total acreage:	9.589
Acreage in rights-of-way:	2.053
Acreage in Reserve "A", Reserve "B" and Reserve "C"	2.706
Acreage in remaining lots:	4.830

NOTE "E": At the time of platting, all of the land hereby being platted as Anderson Meadows Section 1 is in Zone X (Areas determined to be outside of the 0.2% annual chance flood plain) as designated and delineated on the FEMA Flood Insurance Map for Franklin County, Ohio, and Incorporated Areas, map number 39049C0143K with effective date of June 17, 2008.

NOTE "F" - ACREAGE BREAKDOWN: Anderson Meadows Section 1 is comprised of the following Franklin County Parcel Numbers:

Parcel Number	050-010949	9.589 Ac.
---------------	------------	-----------

# ANDERSON MEADOWS

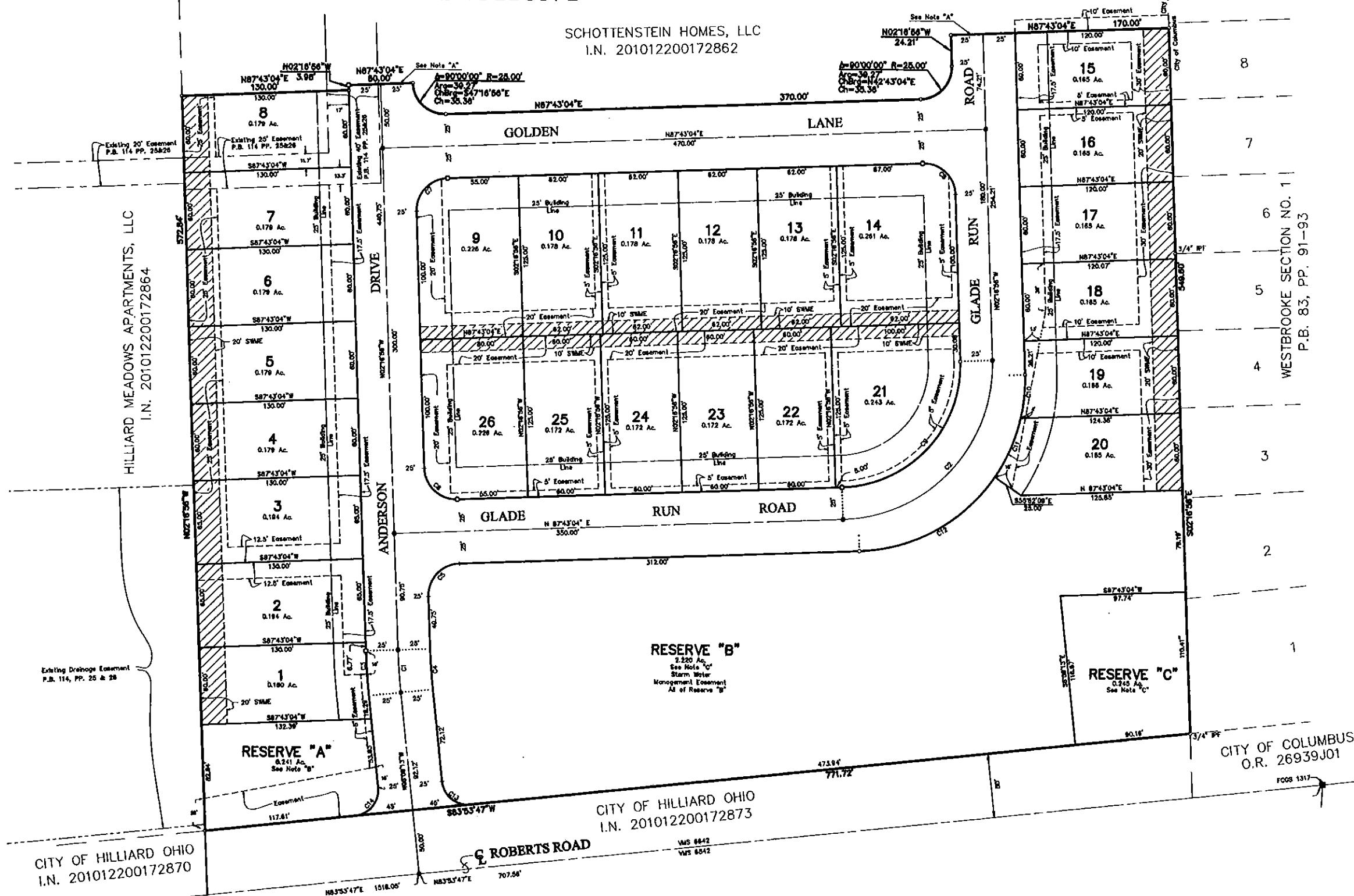
## SECTION 1

PLAT BOOK 114 PG 72

ATTACHMENT

2  
2

SCHOTTENSTEIN HOMES, LLC  
I.N. 201012200172862



WESTBROOKE SECTION NO. 1  
P.B. 83, PP. 91-93

CITY OF COLUMBUS  
O.R. 26939J01

CITY OF HILLIARD OHIO  
I.N. 201012200172873

ROBERTS ROAD

ALTON AND DABY CREEK ROAD

ROBERTS ROAD

CURVE NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD DISTANCE
C1	248°17'	600.00'	33.30'	N 84°11'34" W	33.30'
C2	80°00'00"	120.00'	188.50'	N 42°43'04" E	188.71'
C3	348°17'	623.00'	38.02'	S 04°11'34" E	38.01'
C4	348°17'	475.00'	31.88'	N 04°11'34" W	31.87'
C5	80°00'00"	25.00'	38.27'	N 42°43'04" E	38.36'
C6	80°00'00"	25.00'	38.27'	N 42°43'04" E	38.36'
C7	80°00'00"	25.00'	38.27'	N 42°43'04" E	38.36'
C8	80°00'00"	25.00'	38.27'	S 47°18'50" E	38.36'
C9	80°00'00"	25.00'	38.27'	S 47°18'50" E	38.36'
C10	144°43'04"	133.00'	25.18'	N 05°04'36" E	25.07'
C11	144°43'04"	133.00'	25.18'	N 05°04'36" E	25.07'
C12	53°33'13"	133.00'	124.30'	N 40°53'58" E	118.81'
C13	80°00'00"	20.00'	31.42'	N 81°08'13" E	28.28'
C14	80°00'00"	20.00'	31.42'	N 81°08'13" E	28.28'

**CASE 3: PZ-22-15 – Anderson Meadows PUD Modification – 6248 Roberts Road**

**PARCEL NUMBERS:** 050-011019 & 050-011018

**APPLICANT:** City of Hilliard, 3800 Municipal Way, Hilliard, OH 43026; and Matthew LaBuhn, 35 N. Fourth Street, Suite 100, Columbus, OH 43215.

**REQUEST:** Review & approval of a modification of the Anderson Meadows PUD Concept Plan and Text under the provisions of Hilliard Code Section 1117.08 to specify uses and development standards for Subareas C1 (Reserve B) and C2 (Reserve C).

## BACKGROUND:

On July 12, 2010, City Council passed Ordinance 10-24 to rezone 50.074 acres on the north side of Roberts Road to the east of Alton Darby Road from R, Rural District to PUD, Planned Unit Development District for the construction of 76 single-family lots and 208 multi-family units and 7.4 acres of parkland known as the Anderson Meadows PUD. As part of that zoning, 22.8 acres of land on the south side of Roberts Road was dedicated to the City of Columbus as off-site open space consistent with the Big Darby Accord Master Plan.

The Final Plat for Anderson Meadows Section 1 was approved by the Planning and Zoning Commission on June 9, 2011, and City Council accepted the public improvements through Resolution 11-R-41 on June 27, 2011. As part of the platting process Reserves B and C were formally accepted by City Council with the adoption of Resolution 12-R-27 on June 25, 2012. The Final Plat for Section 1 specifically denotes that Reserves B and C are to be used for the purposes of “open space, pathways and storm water runoff facilities.” Reserve C, however, was designated in the PUD development text to include an existing home (or new building) to be used as an Arts Center with ancillary structures for maintenance and storage. Proposed text modifications are intended to make the existing building on Reserve C a more viable use that has minimum development standards within the PUD.

## COMMISSION ROLE:

The Commission is to make a recommendation in accordance with Hilliard Code Section 1117.08 on the proposed text modifications, which will be forwarded to City Council for final disposition.

## STAFF RECOMMENDATION:

Reserve C and the building thereon was dedicated to the City of Hilliard as part of the original rezoning with the intent to establish an Arts Center. Because the text-specific use is not viable, the proposed amendments will provide for marketable uses while establishing basic development standards that are not currently included in the zoning text. Staff believes that the proposed amendments are consistent with the general intent of the Anderson Farms PUD Concept Plan and the provisions of Hilliard Code Section 1117.08. Based on these findings, staff recommends approval of the proposed text amendments.

## CONSIDERATIONS:

- During the rezoning process, the former residence located on Reserve C was dedicated to the City as part of the parkland dedication requirements. Paved vehicular areas already existed at the time of conveyance to the City. The PUD development text specifically denotes the 3,752-square foot structure as a future Arts Center, which is not a viable use.
- The building was renovated by the City in 2016 to serve as a meeting space for a potential user that did not come to fruition. The proposed text modifications are intended to establish base development standards that will allow the property to be marketed and effectively used.
- The following outlines modifications that have been proposed to the PUD text:
  - 1) General Commitments (A)(6). Language referencing the Arts Center has been removed (Page 2).

- 2) Subarea C1 and C2. Subarea C2 has been separated out and address uses within Reserve B, which include open space, paths and stormwater retention (Page 11).
- 3) Subarea C2. New uses are delineated for the house that include a single-family dwelling and neighborhood office uses. Typical accessory structures and accessory uses are also included.
- 4) Setbacks. Setbacks for pavement and building have been created based on the existing conditions.
- 5) Architecture. Any modifications will match the existing building in material and design quality.
- 6) Parking. The existing lot is generally built-out; however, any addition would require supplemental parking based on the use and size of the addition.
- 7) Lighting. Any parking and security lighting must be cut-off fixtures and meet light trespass requirements. Residential style lighting is also permitted for entrances, etc.
- 8) Landscaping. Required landscape screening is based on the existing condition as of the time of this text modification.
- 9) Graphics. The text has been updated to provide a subarea map for Anderson Meadows and a detail of Reserve C.

[END OF REPORT | PZ-22-15]

## **Anderson Meadows PUD Development Standards**

This PUD consists of the 47.8-acre Anderson Farms property, which is located along the east side of Alton and Darby Creek Road and along the north side of Roberts Road. Legislation accepting the annexation of the subject site into the city of Hilliard was introduced on September 14, 2009. The property was not identified or considered in the 2005 Land Use and Economic Development Master Plan due to its location outside of the planning area at that time. It is, however, located in the Darby Accord planning area. The Darby Accord Master Plan recommends that the Anderson Farms property should be developed with Residential Suburban High Density uses. The Residential Suburban High-Density classification is defined to include a density of 3 - 5 units per acre. This rezoning conforms with that recommendation.

For the purposes of this zoning the site will be divided into three subareas which are identified on the Exhibit C: Subarea Plan. Subarea A is approximately 20.9 acres in size and will be developed with multi-family residential uses and Subarea B is approximately 19.5 acres and will be developed with Single Family uses. Subareas C1 and C2 are 7.4 acres in size combined and are being proposed for parkland dedication to the City of Hilliard. The General Development commitments and specific Subarea development standards are as follows:

### **General Commitments: Subareas A & B**

---

#### **A. General Standards**

1. Utilities: All utility lines internal to the development shall be placed underground, including water service, electricity, telephone, gas, and their connections or feeder lines. Provided, however, that the existing overhead transmission lines shall remain above ground. Meters, transformers, etc. may be placed above ground, but shall be screened from view. Where feasible, all above ground utility boxes shall be placed at the rear lot lines or sufficiently screened.
2. Open Space Requirement: Code requires 10% of the land as open space, or approximately 4.78 acres for Sub-Areas A, B, C1, and C2 combined. The proposed plan meets this requirement by the inclusion of approximately 13.5 acres of open space in the development. In addition, after the completion of this zoning and contemporaneously with the closing of the purchase and sale of the 47.8-acre property, a 22.82-acre parcel will be donated for stream corridor preservation and native prairie grass propagation in promotion of the preservation of the Big Darby Watershed. This land is being conveyed to Columbus at Hilliard's request because the City of Columbus will add this land to an adjacent stream restoration project already planned by Columbus.
3. Parkland Requirement: Code requires the provision of 10 acres of parkland for every 1000 people that the development will create; using a maximum density of 284 units at 2.8 people per unit for Subareas A and B combined, the proposed development is required to provide approximately 7.95 acres. Parkland dedication will be met by donation of the areas labeled on the plan as Subareas C1 and C2, which combined will total 6.1 acres (excludes proposed stormwater retention ponds). The balance of 1.85 acres of parkland dedication will be met through the value of the donation of the 22.82-acre parcel, valued in excess of \$1,100,000, and by the provision of asphalt paths installed through the dedicated park areas



- as per the plan contained herein and valued in excess \$50,000. All details of the proposed dedication in lieu of land will be subject to staff approval. Language identifying the Developer/ Applicant's parkland maintenance responsibilities shall be included in the deed or plat conveying the property to the City, subject to approval by the City's Law Director.
4. The developer shall install bike paths along Roberts Rd., Alton-Darby Rd. and internal to the development as shown on Exhibit E: Development Plan. The connection from the proposed bike path along Roberts Road to the existing sidewalk to the west side of Westrock Drive shall be required only if it can be constructed within the existing public right-of-way and if all other governmental approvals are granted for the construction of same. The construction of any path on property not located within the public right-of-way, nor within this PUD shall not be required unless consent therefore is granted without payment therefore by the owner of such property.
  5. The quality of the two wetlands shown on the Development Plan shall be maintained in their current category states by the developer for a period of two years after the date of completion of the horizontal development of the lots located in Subarea B and shall be restored to their current condition if quality is reduced by development activities. The current quality of the wetlands shall be established and scored by EMH&T using the Ohio Rapid Assessment Methodology (ORAM) prior to the commencement of development. The quality of the wetlands two years after the date of completion the horizontal development of the lots located in Subarea B shall be established and scored by EMH&T using ORAM.
  6. ~~Arts Center:~~ The developer will convey the existing house located in Subarea C2 and will be reimbursed for the net value thereof (\$235,000) out of TIF and CDA proceeds in accordance with a developer agreement approved by Council. The City will convert the structure ~~into an arts center~~ using impact fees paid by the developer.

## **B. Landscape Buffering and Screening**

1. Landscaping Requirements
  - a. Developer shall make reasonable good faith efforts to preserve existing healthy trees on site during construction. With the exception of the construction of underground utilities, heavy construction equipment must be kept away from trees to be preserved, and these areas shall be protected with snow fence.
  - b. A tree survey has been completed which identifies all existing tree types and sizes.
  - c. Screening of Mechanicals: No materials, supplies, equipment or products shall be stored on any portion of the parcel outside the permitted structure. Mechanical equipment or other utility hardware on the ground or buildings shall be screened from view of public streets. Screening of mechanicals on the ground shall occur with the use of plant materials and/or fencing.
  - d. All fencing must meet Hilliard Fence Code Chapter 1139, unless noted otherwise herein.
2. Planting Requirements:
  - a. All tree planting requirements specified herein will be in addition to the trees scheduled to be preserved as shown on the tree survey included.

- b. The developer shall install a combination of deciduous shade trees and evergreen trees along Alton Darby Road and Roberts Road at an interval not to exceed 50 feet on center.
  - c. The developer shall use a variety of native plants and trees for low maintenance and sustainability purposes. High maintenance landscapes that require irrigation are discouraged.
  - d. Street trees on each side of any entry drive from Roberts Road and Alton Darby Road shall be set back a minimum of 20 feet from the curb to accentuate the entry/exit points, and to accommodate the visibility triangle, as approved by the City Engineer.
  - e. Within visibility triangle areas trees shall have a clear trunk of at least five feet above the ground, and the remaining area shall be landscaped with shrubs or ground cover not to exceed two feet in height.
  - f. Mounding, when provided, shall be located outside the public right-of-way and shall not obstruct site distance at any driveways or public intersections.
3. Landscape Materials:
- a. Quality: All plant materials used in conformance with the provisions of this text shall conform to the standards of the American Nursery and Landscape Association and shall have passed any inspection required under State regulations.
  - b. Plant material shall be installed with a minimum size requirement at installation as follows:
    1. Deciduous trees: 2 ½ inch caliper
    2. Evergreen trees: 6 feet height
    3. Ornamental trees: 1 ½ inch caliper or 6 feet height (multi-stem)
    4. Evergreen shrubs used for purpose of screening: 24 inch height and spread
    5. All other evergreen and deciduous shrubs: 3 gallon container

**C. Graphics and Signage**

1. All graphics and signage shall conform to the City of Hilliard Planning and Zoning Code, Chapter 1191, Graphics and Sign Code, unless approved otherwise by Planning Commission at the time of final development plan.
2. A final signage package shall be submitted for review and approval by the Planning Commission at the time of final development plan submission for each subarea.

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**Subarea A**

**A. Permitted Uses**

1. Residential, multi-family apartments
2. Recreational amenities such as a community building with an exercise room, aerobics, yoga studio, card room, business center, swimming pool, outdoor grill area, fireplace, walking trails, and more.

3. Support facilities and accessory uses, such as maintenance buildings, garages, mailbox structures, trash enclosures, and car cleaning facility.
4. Residential Units shall meet the following square footage minimums:
  - a. 1 Bedroom - 660 square feet
  - b. 2 Bedroom - 960square feet
  - c. 3 Bedroom - 1,200 square feet

(As per the building layout on Exhibit E, Development Plan, there shall be 36 one-bedroom units, 144 two-bedroom units, and 28 three-bedroom units.)

**B. Development Standards**

1. Unless otherwise specified in the submitted drawings or in this written text the development standards of Part 11 of the Codified Ordinances of the City of Hilliard shall apply. Basic development standards are compiled regarding the proposed density, site issues, traffic, circulation, landscape, and architectural standards. These component standards ensure consistency and quality throughout the parcel's development.

**C. Density, Height, Lot and/or Setback Commitments**

1. There shall be a maximum of 208 units developed in this subarea.
2. The maximum building height limit shall be 35 feet.
3. No unit entrances shall be located below ground level.
4. The minimum building setback from Alton-Darby Road and Roberts Road shall be 25 feet from the right-of-way. The minimum pavement setback from Alton-Darby Road and Roberts Road shall be 25 feet from the right-of-way.
5. The minimum perimeter yard setback for buildings and pavement from all other lot lines shall be 25 feet.
6. Patios and balconies may encroach on this 25-foot perimeter setback by a maximum of 10 feet as long as they do not include enclosed space.
7. There shall be a zero setback between individual dwelling units. The minimum separation between buildings shall be 15 feet.

**D. Parking and/or Traffic Related Commitments**

1. There shall be a minimum of two off-street parking spaces per unit, including garages, driveway stack spaces, and surface parking areas.
2. In addition to the minimum 2 spaces per dwelling unit, visitor parking will be provided at a rate of at least ½ space per dwelling unit (can include driveway stack spaces and community center parking areas).
3. All 90-degree parking spaces shall be a minimum of 9 feet wide by 18 feet in length. Drive aisles shall be a minimum of 22 feet wide.
4. All other roads in Subarea A shall be private and will be a minimum of 22 feet in width to accommodate two-way traffic.



**E. Architectural Standards**

All architecture shall be in substantial conformance with Exhibit J: Building Elevations - Subarea A. Any revised or alternative building architecture shall be reviewed and approved by Planning Commission at the time of final development plan. Architecture in this subarea shall conform to the following standards:

1. Color Palette: Earth tones, muted and natural tones are required. Trim colors may include white. Accent colors in brighter hues are permitted for building accent features only such as awnings, doors, limited trim, etc. A mixed palette on a single building should be carefully selected so that all colors are harmonious with each other.
2. Materials
  - a. Representative architecture for this subarea is set forth in Exhibit J: Building Elevations - Subarea A.
  - b. Exterior Cladding: Exterior cladding materials shall be of a warm, muted, and natural tone and color. Permitted materials shall include the following:
    1. Brick Veneer
    2. Stone/Cultured Stone or stone veneer
    3. Ohio Limestone stucco stone (equal or better than Stone Products Corporation, type: Ohio Limestone)
    4. Wood lap siding, composite lap siding and cedar shake siding (painted or stained)
    5. Vinyl siding - minimum of .042" nominal thickness
    6. Vinyl shake siding - minimum of .042" nominal thickness
    7. Stucco - per industry standards - light to medium textures
  - c. Roofs
    1. Pitched roofs with gables or hips shall have a minimum slope of 6:12. Accent elements such as porches and dormers shall have a minimum 4:12 pitched roof.
    2. Materials shall be cedar shakes, tile, slate, synthetic slate or dimensional asphalt or fiberglass shingles. Shingles to be a minimum, medium weight dimensional or dimensional-look shingles.
    3. Minimum 6-inch eave overhang and 6 inch overhangs.
  - d. Scale
    1. Structure shall be designed to harmonize with the landscape.
    2. The scale of each building may be aided through the use of articulated building elements, such as porticos, dormers, recesses, awnings and other such elements, which help break up the building mass.
  - e. Wall Articulation/Fenestration

1. Building fenestration refers to the arrangement of openings in a building facade by elements that are designed to permit the passage of air, light and people (such as doors and windows).
2. In addition to using building elements to articulate building mass, individual walls must be articulated with fenestration and pattern on each exterior elevation.
3. The amount of fenestration should be balanced with the amount of solid facade.

## **F. Landscape Buffering and Screening**

### **1. Landscaping Requirements**

- a. A tree survey has been completed which identifies all existing tree types and sizes. See Exhibit G: Tree Survey
- b. Tree Replacement: Section 1331.04 of the Landscape Code requires an equal amount of trees (on a caliper inch basis) be installed to replace existing trees being removed. In this subarea there are approximately 82 diameter-at-breast-height inches of trees identified which need to be removed. On Exhibit H: Landscape Master Plan, the applicant proposes to install 33 2.5-inch caliper trees as replacement.
- c. Any portion of a lot upon which a building or parking area is not constructed shall be landscaped with lawn or mulched planting areas at a minimum. For areas designated as landscape buffers, tree lawns, preservation zones, entry features or other community amenities, landscaping shall be maintained to meet the minimum standards specified in Hilliard Codified Ordinances Chapters 917, 921 and 1331.
- d. Buffering: In the area between the multi-family Subarea A and the single-family Subarea B the developer will install a buffer to screen the two uses. The buffer will consist of a minimum 4-foot earthen mound with a maximum slope of 4:1, and evergreen tree plantings to provide 100% opacity within 3 years after installation. The buffer will be installed prior to the issuance of the first certificate of occupancy that is issued in Subarea A.
- e. Parking areas visible from Alton Darby Road and/or Roberts Road shall be screened with combinations of mounding, fencing and/or landscaping, installed at a size to achieve at least a 75% opacity level within 3 years after the first certificate of occupancy is issued in this subarea.
- f. Curbs to protect screening material: Whenever screening material is placed around any trash disposal unit or waste collection unit which is emptied or removed mechanically on a regularly occurring basis, a curb to contain the placement of the container shall be provided on those sides where there is such material. The curbing shall be at least one foot from the material and shall be designed to prevent possible damage to the screening when the container is moved or emptied.

### **2. Planting Requirements:**

- a. Parking areas shall include shade trees at a rate not less than 1 tree per 10 parking spaces. These trees may be placed in islands used to define and separate driveways and parking areas and must be at least 2.5 inches in caliper at the time of installation.

- b. Trees per square footage of building coverage will be installed per code. These trees may be distributed throughout the site to achieve an overall canopy and may include evergreen trees and ornamental trees to create interest and species diversity. See Exhibit H: Landscape Master Plan and Exhibit I: Multifamily Building Landscape Plans for required tree quantities and locations.
- c. The developer shall use a variety of native plants and trees for low maintenance and sustainability purposes. High maintenance landscapes that require irrigation are discouraged.
- d. All street trees shall have a clear trunk of at least five feet above the ground, and the remaining area shall be landscaped with shrubs, lawn, or ground cover not to exceed two feet in height.

#### **G. Lighting and Refuse**

##### **1. Site Lighting**

- a. Interior private street lighting shall not exceed 12 feet in height and shall be cut-off type fixtures.
- b. External lighting shall be cut-off type fixtures.
- c. All types of parking, pedestrian and other lighting shall be on poles or mounted on individual units and shall be cut-off and of the same type and style.
- d. Landscape and building up-lighting from a concealed source shall be permitted.
- e. All lights shall be arranged to reflect light away from any exterior street or adjacent property.
- f. No colored lights shall be used to light the exterior of the buildings.

##### **2. Waste and Refuse:**

- a. All waste and refuse storage areas shall be containerized and screened from view on three sides by a solid brick wall, wood fence, or materials compatible with the materials found on the main buildings in this subarea and at least 6 inches taller than the height of the container. The fourth side shall contain a wood or painted metal gate, which shall also be at least 6 inches taller than the height of the dumpster.
- b. Except on trash pickup day, gates must be kept in a permanently closed position. The enclosure must be sized to ensure that no open trash will be stored outside the enclosure between scheduled pickups.

#### **H. Model Homes**

Individual units may be used as models for the purpose of marketing, leasing, or sales. A manufactured modular building, and/ or the clubhouse also may be used as a site office during the development of the project and the construction of residential units therein.

## Subarea B

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The single-family development subarea of the PUD is located on the eastern half of the site. The development area is bounded by Roberts Road to the south, existing single-family development to the east, existing single-family development and a portion of an existing City of Hilliard School site to the north, and existing rural residential and the proposed multifamily subarea to the west.

### A. Permitted Uses

1. Single Family Residential.

### B. Development Standards

1. Unless otherwise specified in the submitted drawings or in this written text the development standards of Part 11 of the Codified Ordinances of the City of Hilliard shall apply. Basic development standards are compiled regarding the proposed density, site issues, traffic, circulation, landscape, and architectural standards. These component standards ensure consistency and quality throughout the parcel's development.

### C. Density, Height, Lot and/or Setback Commitments

1. There shall be a maximum of 76 lots in this subarea.
2. The minimum dimension of any lot shall be 60 feet wide by 120 feet deep. Corner lots shall be a minimum of 80' wide by 120 feet deep. There will be a minimum lot area of 7200 square feet.
3. The maximum building height limit shall be 35 feet.
4. The minimum building setback from Roberts Road shall be 25 feet from the right-of-way. The minimum pavement setback from Roberts Road shall be 25 feet from the right-of-way.
5. The minimum front yard setback shall be 25 feet from the right-of-way. Corner lots shall apply a front yard setback against all adjoining street rights-of-way.
6. The minimum side yard setback shall be 5 feet.
7. The minimum rear yard setback shall be 20 feet. Variances for encroachments into the rear yard shall not be granted. A disclosure of this prohibition shall be given to each home buyer.
8. The minimum floor area of each single -family home shall be 1,300 square feet. The minimum floor area of each two-story home shall be 1,500 square feet.

### D. Parking and/or Traffic Related Commitments

1. There shall be a minimum of two off-street parking spaces per unit, including garages and driveway stack spaces. All houses shall have a two-car garage.
2. Streets in this subarea shall be publicly dedicated, shall have a minimum pavement width of 24 feet, and shall be located within a 50-foot-wide right-of-way. Otherwise, street design, including pavement width, shall meet the requirements of the City Engineer.
3. So that there are two access points to Subarea B, the applicant shall either construct a road over the school property to the north so as to connect to the roads currently located on the

school property, or a road that connects into existing Windmill Road. The developer shall work with the school district and the City to obtain the school district's agreement to construct a two-way vehicular connection to the existing school drive with two-way access to Freewood Drive to the east. Vehicle connections shall meet the City Engineer's requirements for location and design.

**E. Architectural Standards:**

Representative architecture planned for this subarea is set forth in Exhibit K: Building Elevations: Subarea B. Additional building architecture may also be offered in this subarea in the future. Architecture in this subarea shall conform to the following standards:

1. **Color Palette:** Earth tones, muted and natural tones are required. Trim colors may include white. Accent colors in brighter hues are permitted for building accent features only such as awnings, doors, limited trim, etc. A mixed palette on a single building should be carefully selected so that all colors are harmonious with each other.
2. **Materials:**
  - a. **Exterior Cladding:** Exterior cladding materials shall be of a warm, muted, and natural tone and color. Permitted materials shall include the following:
    1. Brick Veneer
    2. Stone/Cultured Stone or stone veneer
    3. Ohio Limestone stucco stone (equal or better than Stone Products Corporation, type: Ohio Limestone)
    4. Wood lap siding, composite lap siding and cedar shake siding (painted or stained)
    5. Vinyl siding - minimum of .042" nominal thickness
    6. Vinyl shake siding - minimum of .042" nominal thickness
    7. Stucco - per industry standards - light to medium textures
  - b. **Roofs**
    1. Pitched roofs with gables or hips shall have a minimum slope of 6:12. Accent elements such as dormers shall have a minimum 4:12 pitched roof. Porches with roofs shall not be subject to this limitation.
    2. Materials shall be cedar shakes, tile, slate, synthetic slate or dimensional asphalt, dimensional look asphalt or fiberglass shingles. Shingles to be a minimum, medium weight dimensional or dimensional-look shingles.
    3. Areas with gutters shall have a minimum 6-inch overhang.

**F. Landscape Buffering and Screening**

1. **Landscaping Requirements**
  - a. Any portion of a lot upon which a building or parking area is not constructed shall be landscaped with lawn or mulched planting areas at a minimum. For areas designated as landscape buffers, tree lawns, preservation zones, entry features or other community

amenities, landscaping shall be maintained to meet the minimum standards specified in Hilliard Codified Ordinances Chapters 917,921 and 1331.

- b. Tree Replacement: Section 1331.04 of the Landscape Code requires an equal amount of trees (on a caliper inch basis) be installed to replace existing trees being removed. In this subarea there are approximately 100 diameter-at-breast-height inches of trees identified which need to be removed. On Exhibit H: Landscape Master Plan, the applicant proposes to install (40) 2.5-inch caliper trees as replacement. Any replacement trees to be located within the park land to be owned by the City of Hilliard shall be subject to the approval of the City Arborist and the Director of Parks.

## 2. Planting Requirements

- a. The developer shall install deciduous shade trees along internal streets at an interval not to exceed 60 feet on center. Internal street trees will be coordinated with driveway curb cuts.
- b. In addition to the trees and landscaping that will be installed at entry features and in the amenity areas, the developer shall install at least one shade tree per lot at the time of construction of each house.
- c. The developer shall use a variety of native plants and trees for low maintenance and sustainability purposes. High maintenance landscapes that require irrigation are discouraged.
- d. All street trees shall have a clear trunk of at least five feet above the ground for traffic safety purposes.
- e. Street trees on each side of any entry drive from Roberts Road shall be set back a minimum of 20 feet from the curb to accentuate the entry/exit points, and to accommodate the visibility triangle, as approved by the City Engineer.

## G. Lighting

1. Street light poles shall not exceed 12 feet in height and shall be cut-off type fixtures and shall otherwise meet the requirements of the City Engineer.
2. External lighting shall be cut-off type fixtures.
3. Landscape lighting from a concealed source shall be permitted.
4. All lights shall be arranged to reflect light away from any exterior street or adjacent property.
5. No colored lights shall be used to light the exterior of the buildings.

## H. Model Homes.

Individual homes may be used as model homes for the purpose of marketing and sales. A manufactured modular building also may be used as a sales office during the development of the project and the construction of residential units therein.

## Subarea C1 ~~and C2~~ (Reserve B)

~~Permitted uses in this subarea shall include public parkland. A renovated existing building or a new building for use as an Arts Center shall also be permitted, including ancillary structures for activities such as maintenance and storage.~~

### A. Permitted Uses

1. Public Parkland (including Open Space, Pathways, Stormwater Management and related open space uses and necessary ancillary structures).

## Subarea C2 (Reserve C)

### A. Permitted Uses

1. Single-family dwelling
2. Neighborhood office use (general, administrative or medical)
3. Ancillary/Accessory Structures and Uses in conjunction with permitted uses such as garages, sheds, pools, etc.

### B. Development Standards

Development standards shall be those required by the Hilliard Zoning Code and the Hilliard Design Manual, except as specified herein or as expressly approved by the Planning and Zoning Commission and/or City Council.

1. **Setbacks.** Setbacks for Buildings and Pavement shall be as follows. Installation of accessory structures, including but not limited to decks, patios and dumpster enclosures, shall meet Code requirements.

Yard	Pavement Setback	Building Setback
Front	0 feet	30 feet
Side (west)	0 feet	15 feet
Side (east)	10 feet	15 feet
Rear	0 feet	15 feet

2. **Architecture.** Architectural modifications, new construction or additions shall provide a consistent level of quality of architectural design and exterior materials to the existing structure.
3. **Parking.** All building additions will require additional parking as required by Code based upon the use and size of the additional square footage.
4. **Lighting.** Site lighting for parking and security shall consist of cut-off type fixtures and meet light trespass requirements of the Hilliard Design Manual. Residential-style fixtures are permitted for accent lighting and entrances.
5. **Landscaping/Screening.** Landscape screening for Subarea C2 shall be provided as indicated on *Subarea C2 (Reserve C) Detail – Page 13*.

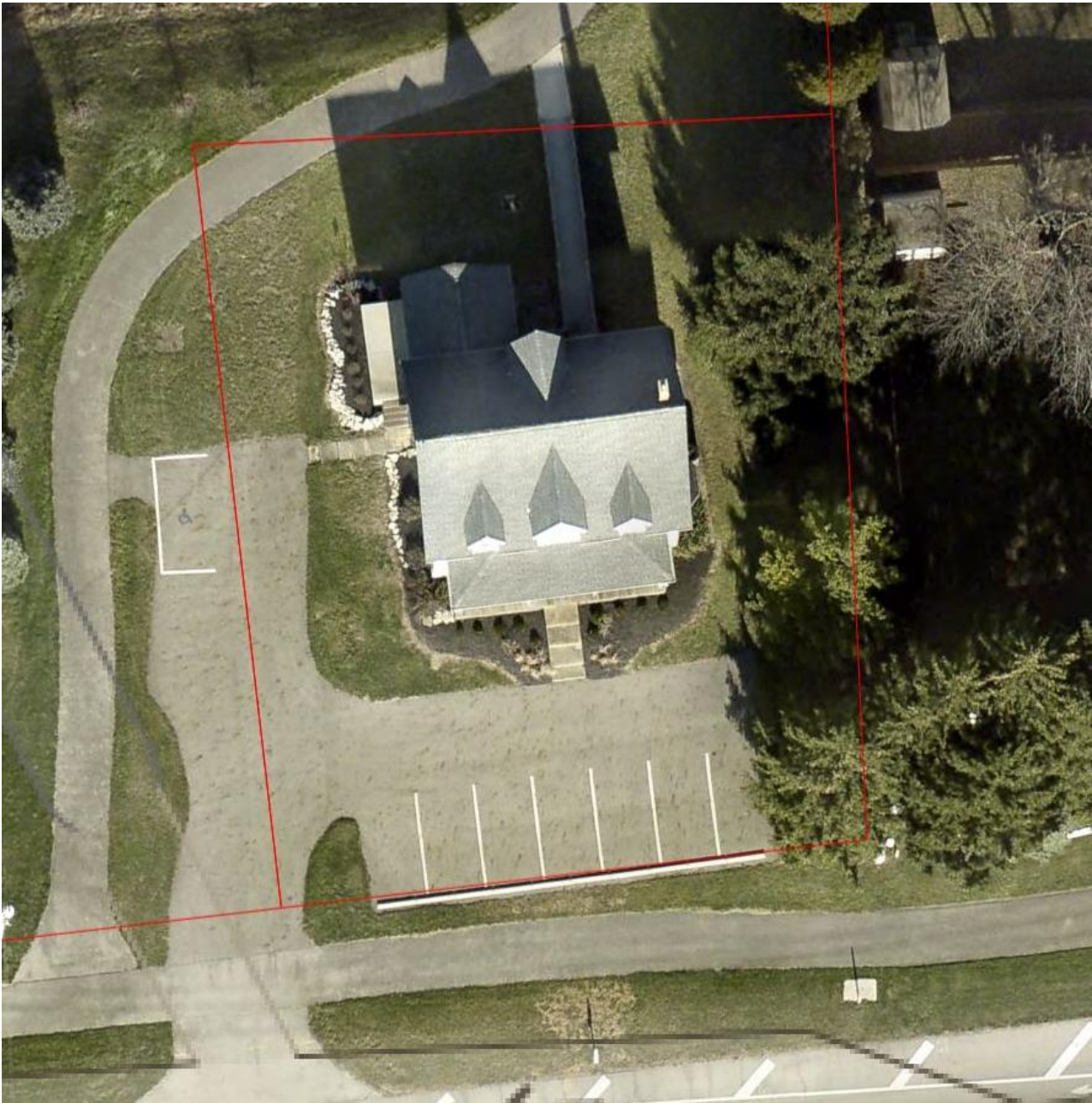


## Anderson Meadows Subarea Map





### Subarea C2 (Reserve C) Detail



**CASE 4: PZ-22-20 – Altus Direct Health – 3681 Fishinger Boulevard**

**PARCEL NUMBER:** 050-007274

**APPLICANT:** DC MRH Medical LLC/Alkire Offices LLC, 4653 Trueman Boulevard, Suite 100, Hilliard, OH 43026; c/o Abdirahim Rashid, 3681 Fishinger Boulevard, Hilliard, OH 43026.

**REQUEST:** Review & approval of a sign variance under the provisions of Hilliard Code Section 1129.08 to permit a temporary sign for a period of 6 months.

## **BACKGROUND:**

The site consists of an existing tenant space on 5.709 acres located on the east side of Park Mill Run Drive approximately 750 feet west of Fishinger Boulevard and 600 feet south of Park Mill Run Drive. Located within the Mill Run PUD, the tenant space is located on the end of the strip plaza between Floor & Décor and Lowe's Home Improvement. On February 25, 2022, a sign permit was approved for a temporary banner that was valid for 14 days and renewable for up to 12 weeks in a calendar year. The applicant is requesting approval of a sign variance to permit the use of the temporary banner for a period of 6 months while a permanent sign is fabricated and installed.

## **COMMISSION ROLE:**

The Commission is to review the proposal for conformance to the provisions of Hilliard Code Section 1129.08.

## **STAFF RECOMMENDATION:**

Staff finds that the proposed sign variance is not substantial and will further the objectives of the Sign Code to encourage readable signs, and control the size, location, and design of signs so that the appearance of such signs will be aesthetically harmonious and appropriate to the zoning district in which they are located. The temporary banner has been installed and maintained in an aesthetically pleasing condition that does not impact the essential character of the area and is not detrimental to surrounding property owners. Based on these findings, staff is recommending approval of the proposed sign variance for the time extension of a temporary banner with the following two conditions:

- 1) That a sign permit be granted for the temporary banner not to exceed August 25, 2022 (six months from initial issuance); and
- 2) That the temporary banner be removed immediately upon its expiration or that Code Enforcement action be taken.

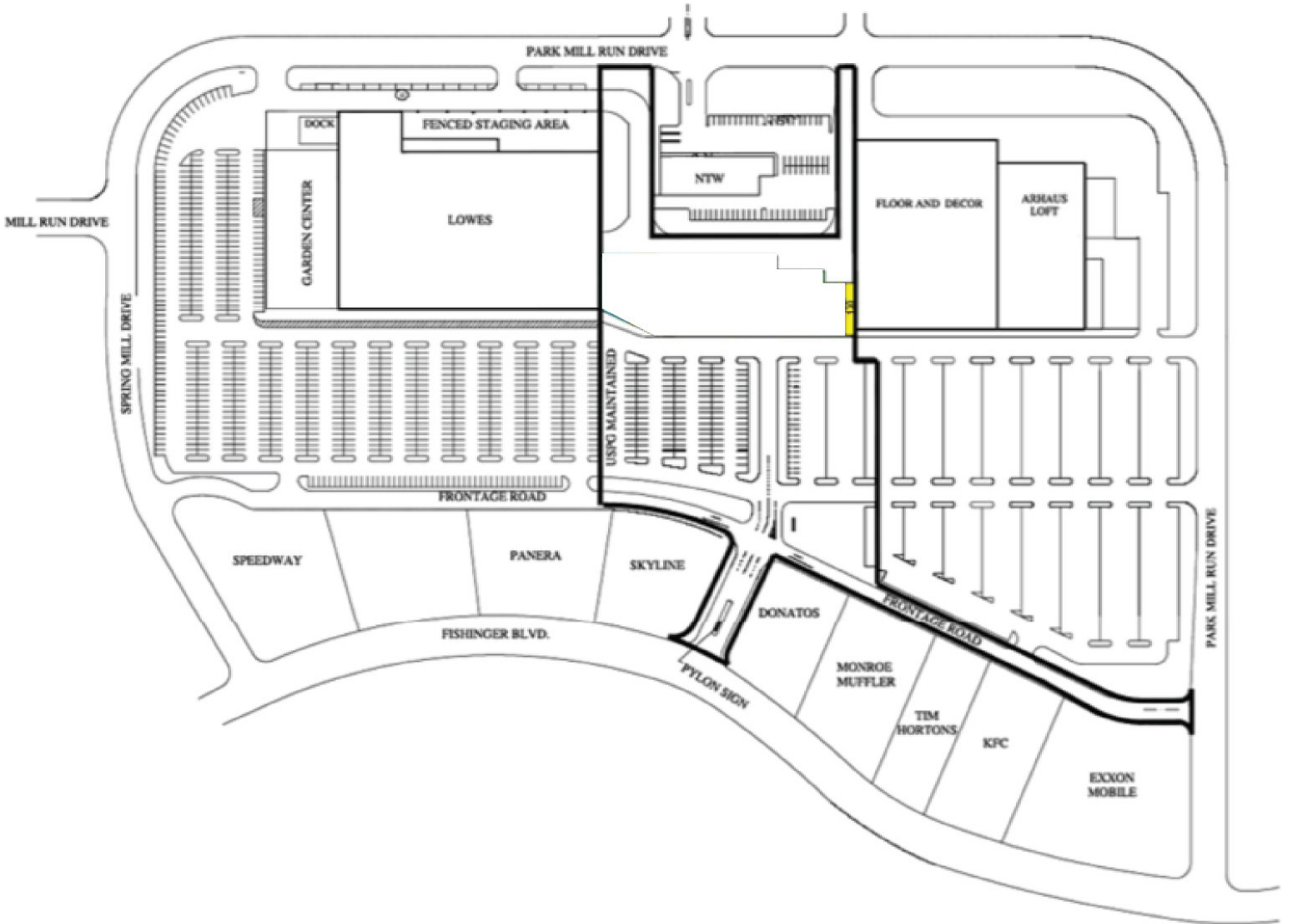
## **CONSIDERATIONS:**

- The applicant was granted a sign permit (S-22-12) for a 28-square foot temporary banner on February 25, 2022. Temporary banners are approved for 14 days and can be renewed for up to a maximum of 12 weeks in a calendar year according to the Zoning Code.
- The applicant was sent a notice of violation on March 17 (CE-22-51) and a final notice on March 25. Application for the variance was submitted on March 31.
- The applicant is requesting a time extension for the temporary banner for a period of six months while a new sign contractor designs and installs a permanent sign.
- The tenant space linear frontage is 15 feet in width and is located on the corner of the shopping plaza. Building face for the placement of a sign for this tenant space is split by a brick pillar. Due to the nature of the tenant space and the visibility issues of its angular sign panel, the Planning and Zoning Commission approved variances for a 45-square foot wall, non-illuminated sign on September 9, 2021 for a former tenant.

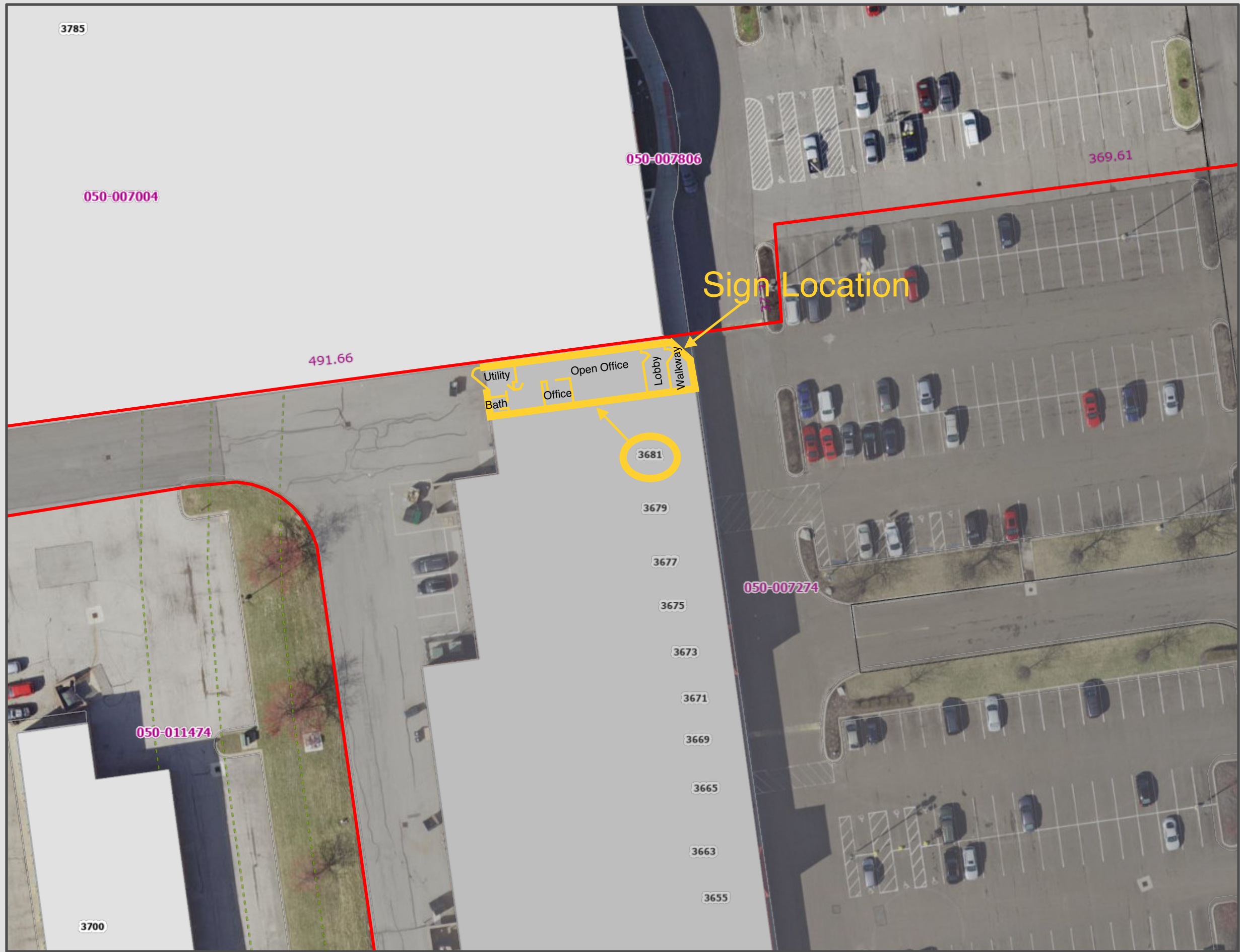
- The Commission is to take the following criteria listed in Section 1129.08(d) of the Code into account:
  - 1) Whether the property will yield a reasonable return or whether there can be any beneficial use of the property without a variance;
  - 2) Whether the variance sought is substantial;
  - 3) Whether the essential character of the neighborhood would be substantially altered or whether adjoining property owners would suffer substantial detriment as a result of granting the variance;
  - 4) Whether the variance would adversely affect the delivery of governmental services;
  - 5) Whether the property owner purchased property with knowledge of zoning restrictions;
  - 6) Whether the property owner's predicament feasibly can be obviated through some method other than variance; and
  - 7) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the requested variance.

[END OF REPORT | PZ-22-20]









**Planimetric Legend**

Source: 2018 Aerial Photography

- Edge of Pavement
- Roadway Centerlines
- Railroad Centerlines
- Building Footprints
- Building Under Construction
- Creeks, Streams, Ditches
- Rivers & Ponds

**Topographic Legend**

Source: OSIP - 2011 LiDAR Collection

- Spot Elevation
- Index Contour
- Intermediate Contour

**Appraisal Legend**

Source: Franklin County Auditor & Engineer

- Parcel IDs
- Parcel Dimensions
- Lot Numbers
- Site Address
- Parcel Boundary
- Subdivision Boundary
- Condominium Boundary
- County Boundary
- City or Village Boundary
- Tax District Boundary
- School District Boundary
- Zip Code Boundary

This map is prepared for the real property inventory within the county. It is compiled from record deeds, survey plats, and other public records and data. Users of this map are notified that the public primary information sources should be considered for verification of the information contained on this map. The county and the mapping companies assume no legal responsibility for the information contained on this map. Please notify the Franklin County Auditor's GIS Department of any discrepancies.



The data on this map was originally compiled at 1"=100' based on the Ohio State Plane South Coordinate System, North American Datum 1983 with 2' contours based on the North American Vertical Datum 1988 (when displayed).



**Franklin County  
Auditor's Office  
Auditor**

**Michael Stinziano**  
Map Produced August 6, 2021







3800 Municipal Way, Hilliard, Ohio 43026 | Phone 614.876.7361 | www.hilliardohio.gov

**Planning and Zoning Commission  
Record of Action  
September 9, 2021 Meeting**

The Planning and Zoning Commission took the following action at this meeting:

**CASE 2: PZ-21-34 – Med+ Testing Center – 3681 Fishinger Boulevard**

**PARCEL NUMBER:** 050-007274

**APPLICANT:** DC MRH Medical LLC, Alkire Offices LLC, 4653 Trueman Boulevard, Suite 100, Hilliard, OH 43026; and Rayce Robinson, 11295 Converse Chapel Boulevard, Plain City, OH 43064.

**REQUEST:** Review & approval of a sign variance under the provisions of Hilliard Code Section 1129.08 to increase the maximum wall sign area.

**MOTION:** A Motion was made by Ms. Nixon on Case #2: PZ-21-34 – Med+ Testing Center – 3681 Fishinger Boulevard – for approval of a sign variance under the provisions of Hilliard Code Section 1129.08 to increase the maximum wall sign area with the following conditions:

- 1) That the proposed wall sign is limited to 45 square feet within a sign area that is a maximum 3.75 feet in height and a maximum 12 feet in length;
- 2) That the proposed wall sign may be located in its existing place adjacent to the tenant space, subject to approval of the property owner;
- 3) That the sign is limited to a maximum of four colors as permitted in the Sign Code;
- 4) That a sign permit is obtained prior to any modification of the approved sign.

Mr. Muether and Mr. Gutknecht seconded the motion.

**VOTE:**

Mr. Schneck	Yes
Ms. Nixon	Yes
Chairman Lewie	Yes
Mr. Muether	Yes
Mr. Uttley	Yes
Mr. Gutknecht	Yes
Mr. Pannett	Yes

**STATUS:** The motion passed 7-0 and Case #2: PZ-21-34 – Med+ Testing Center – 3681 Fishinger Boulevard was approved for a sign variance under the provisions of Hilliard Code Section 1129.08 to increase the maximum wall sign area with the above conditions.

**CERTIFICATION:**

David Myerholtz, Acting Clerk  
September 10, 2021



# STAFF REPORT



## Planning & Zoning Commission

City Hall • 3800 Municipal Way • Hilliard, Ohio 43026  
and Live-Streaming on YouTube

Thursday, May 12, 2022 | 7:00 pm

### CASE 1: PZ-22-18 – Zoning Code Amendment

**APPLICANT:** City of Hilliard, c/o Michelle Crandall, City Manager. 3800 Municipal Way, Hilliard, OH 43026.

**REQUEST:** Review & approval of a zoning code amendment to Code Section 1105.08 to add a definition for “Short-term Rental” to Code Section 1115.02 to add “Short-term Rental” and “Bed and Breakfast Inns” as permitted uses in the OH-MD, Old Hilliard Mixed Use District, and OH-RD, Old Hilliard Residential District, zoning districts and Code Chapter 1121 to add associated development standards.

### BACKGROUND:

On October 27, 2014, Council adopted an ordinance (14-29) enacting a new Planning and Zoning Code and adopting a new Zoning Map. The applicant is requesting approval of a Zoning Code amendment concerning “Bed and Breakfast” and “Short-term Rental” uses. A memo that includes a summary of multiple ordinances from around the country (with the attached ordinances) has been included for further discussion.

### COMMISSION ROLE:

The Commission is to review the proposal and forward a recommendation to Council.

### STAFF RECOMMENDATION:

Staff finds that the proposal is consistent with the purpose of the Zoning Code to promote the public health, safety, morals, comfort, and general welfare of the City and its residents. Based on this finding, staff recommends that the Commission forward a positive recommendation to Council concerning the proposed Zoning Code amendment.

### CONSIDERATIONS:

#### Definitions

- Section 1105.08 - The proposal will add the following definition:  
*Short-term Rental.* Any room or dwelling that is rented wholly or partly for a fee for less than thirty (30) consecutive days by persons other than the permanent occupant or owner from which the permanent occupant or owner receive monetary compensation, whether such compensation is paid directly by the short-term rental guest or is collected and remitted to the permanent occupant or owner by a hosting platform.

#### Schedule of Uses

- Section 1115.02 – The proposal will add “Bed and Breakfast Inn” as a permitted use in the OH-MD and OH-RD zoning districts.
- Section 1115.02 – The proposal will add “Short-term Rental” as a permitted use in the OH-MD and OH-RD zoning districts.

- Section 1115.02 – Identifies Code Section 1123.13(a) for specific conditions for “Bed and breakfast inns” uses in the OH-MD or OH-RD zoning districts.
- Section 1115.02 – Identifies Code Section 1121.06(i) for specific conditions for “Short-term rental” uses in the OH-MD or OH-RD zoning districts.
- Section 1121.06(i) – The proposal adds the following conditions for “Short-term rental” uses:
  - (1) A short-term rental shall not provide more than six guest rooms plus a common area for use by all guests.
  - (2) A short-term rental shall be located only in a detached single-family dwelling, designed and constructed for single family use, which shall contain at least 1,500 square feet of useable floor area. For each guest room in excess of two, an additional 100 square feet of floor area shall be required.
  - (3) Cooking facilities shall not be permitted in short-term rental guest rooms.

[END OF REPORT | PZ-22-18]



## P&Z Memo: CASE #1 – P&Z-22-18 – Zoning Code Amendment

**Subject:** Short Term Rental (STR) Ordinance Review  
**From:** Carson Combs, Planning Manager  
**Date:** May 3, 2022

### Summary

A review of STR regulations from around Central Ohio and the country revealed some common trends as noted below. Summaries of a sampling of ordinances are provided for review:

- Larger cities tend to enact very complex permitting processes and requirements that are difficult to enact and enforce
- Every jurisdiction surveyed required a permit or license and fee (most with annual renewals)
- Permit processes are used to verify collection of bed tax
- Most include or focus on nuisance violations
- Smaller jurisdictions focus on ensuring that the uses blend into surrounding neighborhoods and are not intrusive
- Standards usually focus on occupancy levels, parking requirements, sign prohibitions and enforcement through zoning or code enforcement.

### ***Columbus, OH***

The Columbus ordinance is a complex set of regulations that focus on the registration of short-term rentals. Permits are required that must be renewed annually and minimum insurance is required. Unless on hosting platforms, applicants must complete criminal background fingerprint checks through BCI and the ordinance focuses on the issues of nuisance violations, insurance non-compliance, criminal activity and service call ratios...but does not focus on the zoning/land use aspect of the rental.

### ***Dublin, OH***

Dublin's monitored short-term residences and found three homes and some hotels in the city conducting business on sites such as Airbnb, VRBO and Homeaway. The Dublin ordinance is geared toward maintaining Memorial Tournament activity. Short-term rentals are required to obtain a permit with a \$225 fee and are allowed to rent for one week twice per calendar year (2 weeks total) and prohibits overnight stays. Stays over 30 days are not regulated.

### ***Santa Monica, CA***

The ordinance for STRs includes an application and fee that is also linked to a business license. The city established advertising requirements for the rental such as identifying their registration # and available parking. The ordinance was a reaction to a loophole in the vacation rental regulations that resulted in home-shares or STRs becoming popular. Safety and insurance liability provisions are included.

### ***Upper Arlington, OH***

Ordinance change outlaws short-term residences citywide.

***Tobyhanna Township, PA***

Appears to be an area that includes significant camping and outdoor activities. Short-term rentals are required to obtain an annual permit. The ordinance provides limits based on parking, occupancy, number of bedrooms and on-site septic capacity but does not limit the extent to which homes can be rented out. The ordinance also requires proof of notification to the applicable homeowner association.

***Raleigh, NC***

Raleigh's ordinance allows residences and accessory units to be used for short-term rentals. Operators are required to obtain an annual zoning permit that includes a yearly fee equal to their commercial zoning permit fee. The ordinance sets limitations such as no cooking facilities, no events/gatherings, limited percentage of multi-family units and the maintenance of guest registrations for 3 years. The ordinance does not appear to limit the extent of stays, but also links to bed tax regulations. No advertising/signage permitted.

***Norman, OK***

The Norman ordinance allows short term rentals in a broad range of zoning districts that range from agriculture and rural to single-family and commercial/office districts. The regulations focus on elements that negate nuisance issues, including noise, parking violations and gatherings. The ordinance limits one party per rental and restricts signage/advertising onsite. Insurance is required and an annual license is required with total fees of \$200.

***Hayes Township, MI***

This township in Michigan is similar to the example in Pennsylvania. An application and fee (not annual) are required. The ordinance limits occupancy to 2 people per bedroom and includes other common elements such as nuisance violations and point of contact. Zoning inspection can occur based on complaints.

**Attached Ordinances**

- Columbus, OH
- Dublin, OH
- Santa Monica, CA
- Upper Arlington, OH
- Tobyhanna Township, PA
- Raleigh, NC
- Norman, OK
- Hayes Township, MI



# City of Columbus

Office of City Clerk  
90 West Broad Street  
Columbus OH 43215-9015  
columbuscitycouncil.org

## Text File

File Number: 1959-2021

**Agenda Date:** 7/12/2021

**Version:** 1

**Status:** Passed

**In Control:** Rules & Reference Committee

**File Type:** Ordinance

### Explanation

In July of 2018, Columbus City Council passed ordinance 2145-2018 amending Chapter 598 of the Columbus City Codes in order to establish regulations for short-term rental operations and hosting platforms in the City of Columbus. In February of 2019, an amendment (ordinance 0352-2019) requiring a BCI background check for all short-term rental hosts was made due to the concerns and interest of community members. Ordinance 0362-2019 was also passed in February 2019 in order to establish a regulatory tax framework for short-term rentals and to standardize the levying, collection, and allocation of all short-term rental related taxes. Given the rapid growth and dynamic nature of short-term rentals, it was written into the original ordinance that a thorough review and assessment of the regulations for short-term rentals would occur two years from the January 1, 2019 implementation date.

That review, in addition to feedback from the community, has contributed to these amendments to various sections of Chapter 598 to strengthen enforcement provisions related to short-term rentals by clarifying definitions, providing additional grounds for denial, suspension, or revocation, and including an appeal process.

**FISCAL IMPACT:** No funding is required for this legislation.

**Emergency Justification:** Emergency action is requested to ensure that amendments to Chapter 598, pertaining to the strengthening of enforcement provisions related to Short-Term Rentals, definition clarifications, the inclusion of additional grounds for denial, suspension, or revocation, and the inclusion of an appeal process, is in effect as soon as possible.

### Title

To amend various sections of Chapter 598 of the Columbus City Codes to strengthen enforcement provisions related to Short-Term Rentals by clarifying definitions, providing additional grounds for denial, suspension, or revocation, and including an appeal process; and to declare an emergency.

### Body

WHEREAS, in July of 2018, City Council passed Ordinance 2145-2018, amending Columbus City Codes Chapter 598 in order to establish regulations for short-term rental operations and hosting platforms; and

WHEREAS, feedback from the community has contributed to these amendments to various sections of Chapter 598 to strengthen enforcement provisions related to Short-Term Rentals by clarifying definitions, providing additional grounds for denial, suspension, or revocation, and including an appeal process; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That Chapter 598 of the Columbus City Codes is hereby amended as follows:

Chapter 598 - HOTEL/MOTEL AND SHORT-TERM RENTAL OPERATIONS

598.01 - Definitions.

Notwithstanding any same or similar provisions of the Columbus City Codes ("C.C.C."), the definitions applicable to this Hotel/Motel and Short-Term Rental Operations Chapter shall be as follows:

- (A) "Applicant" means the owner or permanent occupant who submits an application for a new permit or a renewal permit to the License Section with information as required by C.C.C. 598.03.
- (B) "Applicant's Dwelling" means any and all dwellings intended to be used as a short-term rental(s) for which the applicant has submitted to the License Section as required by C.C.C. 598.03 for consideration to grant a new or renew a valid short-term rental permit.
- (A) (C) "Booking Service" means any mechanism for a reservation and/or payment service provided by a hosting platform that provides for or facilitates a short-term rental transaction between a short-term rental host and a prospective potential short-term rental guest for the purpose of reserving or renting a guestroom for a fee, and for which the a hosting platform collects or receives, directly or indirectly through an agent or intermediary, a fee(s) any compensation in connection with the reservation. and/or payment services provided for the short-term rental transaction. Such compensation may be remitted to the short-term rental host or the hosting platform.
- (B) (D) "Calls for Service Ratio" means the number of calls for service divided by the number of rooms in service at the hotel/motel or short-term rental.
- (C) (E) "Calls for Service" means any and all calls, including but not limited to those to law enforcement and/or the fire department, when those calls:
- (1) result in a representative being dispatched or directed to the hotel/motel or short-term rental;
  - (2) allege evidence of criminal activity;
  - (3) result in an arrest, charge or citation; or
  - (4) find an imminent threat to safety of person(s) or property; or
  - (5) allege a sanitation,/refuse or noise issue at a short-term rental property in violation of the Columbus City Codes,

Calls for service shall not include calls to notify the radio/dispatch made by employees of the hotel/motel or short-term rental property itself acting as officers, calls made by law enforcement officers or firefighters to indicate room of their location, or calls made by any person listed on a short-term rental application. commonly associated with Columbus Division of Police Directive 3.17 (IV)(A)(1)(a)(3).

- (D) (F) "Director" means the dDirector of pPublic sSafety or the dDirector's authorized designee.
- (E) (G) "Dwelling" means any building, structure, or unit, on the same tax parcel, sharing the same mailing address, which is occupied or intended for occupancy in whole or in part as a home, residence or sleeping place for one (1) or more persons.
- (F) (H) "Employee" means any person who earns qualifying wages, commissions or other type of compensation from the hotel/motel.
- (I) "Entity" means a corporation for profit or not for profit, partnership, limited partnership, joint venture, unincorporated association, estate, trust, or any other commercial organization. Entity does not include an organization created by a governmental agency for execution of a governmental program.
- (G) (J) "Guestroom" means a room offered to the public for a fee that contains, at a minimum, provisions for sleeping.
- (H) (K) "Hosting Platform" means an person or entity that participates in the short-term rental business/industry by providing for or facilitating and collecting or receiving a fee(s) for a booking services through a website whereby which a short-term rental host may offer, list, advertise, or market a short-term rental to a potential short-term rental guest. Hosting platforms usually, though not necessarily, provide booking services through an on line platform that allows a short-term rental host to advertise the short-term rental through a website provided by the hosting platform and the hosting platform conducts a transaction by which potential short-term rental guest reserve a guestroom(s) and arrange payment, whether the short-term rental guest pays rent directly to the short-term rental host or to the hosting platform.
- (I) "Hotel/Motel Operation" means the occupancy of any guestroom or use of any hotel/motel facility.
- (J) (L) "Hotel/Motel" means any structure consisting of one or more buildings, with more than five sleeping guestrooms, that is kept, used, maintained, advertised, or held out to the public to be a place where sleeping accommodations are offered for pay to guests, including, but not limited to, such a structure denoted as a hotel, motel, motor hotel, lodge, motor lodge, bed and breakfast, or inn. For the purpose of this Chapter, an individual guestroom in a hotel/motel shall not be considered to be a separate

mailing address.

(K) (M) "Interception device" as used in this chapter refers to the definition found in RC Chapter 2933.51(D) of Revised Code.

(N) "License Section" shall mean the City of Columbus License Section under the Division of Support Services, Department of Public Safety.

(L) (O) "Manager" means the general manager, shift manager, or any person in any supervisory position at the hotel/motel.

(M) (P) "Operator" means any person who works at a hotel/motel in a capacity to facilitate the offering of guestrooms to guests, including, but not limited to, front desk workers.

(N) (Q) "Owner" means the owner(s) of record as shown on the current tax list of the county auditor or a mortgagee(s) in possession. If an Owner is a "Owner" means a person or business entity, such as a corporation, firm, partnership, association, organization and any other group acting as a unit, or a person who has legal title to any structure or premises with or without accompanying actual possession thereof, and such business entity shall include the duly authorized agent, or attorney, a purchaser, devisee, fiduciary and any person having a vested or contingent interest in the premises in question.

(O) (R) "Permanent Occupants" means a persons who resides in a dwelling more than 51% of the time during a calendar year, and the such dwelling in which a persons resides shall be referred to as their primary residence.

(S) "Person" means every natural person and does not include any corporation, firm, partnership, association, or any other group acting as a unit.

(P) (T) "Primary Residence" means a dwelling(s) which is the usual place of return for housing as documented by at least two of the following: motor vehicle registration, driver's license, tax documents, lease copy or a utility bill. An owner or permanent occupant can only have one primary residence.

(U) "Property Manager" means any person charged with or responsible for a supervisory or caretaking position for the short-term rental and who has passed a BCI background check as required by C.C.C. 598.03(B)(10).

(Q) (V) "Short-Term Rental Guests" means a persons who reserves a guestroom, wholly or partly, renting temporary lodging from a short-term rental host for a compensatory fee, or through a hosting platform on behalf of the short-term rental host, for less than thirty (30) consecutive days.

(R) (W) "Short-Term Rental Host" means the owner or permanent occupant of a short-term rental who offers, lists, markets, or advertises a the short-term rental on a hosting platform and receives a fee as compensation. for temporary lodging.

(S) "Short-Term Rental Operation" means the occupancy of any room or dwelling of any short-term rental.

(T) (X) "Short-Term Rental" means any dwelling with five guestrooms or less that is reserved/rented wholly or partly for a compensatory fee for less than thirty (30) consecutive days by a short-term rental guest persons other than the permanent occupant or owner from which the permanent occupant or owner receive monetary compensation.

(U) (Y) "Transient Guests" mean a persons occupying a hotel/motel guest room or rooms for sleeping accommodations for less than thirty (30) consecutive days.

#### 598.02 - Permit Required

(A)

(1) No person or entity including but not limited to an owner, operator, manager, or employee shall engage in, conduct, or carry on, or permit to be engaged in, conducted or carried on, in or upon any premises in the city of Columbus, the operation of a hotel/motel without obtaining a permit in accordance with this Chapter. It shall be prima facie evidence of a hotel/motel operation if a transient guest is found to be occupying a hotel/motel guest room or if any person is found to be using a hotel/motel facility.

(2) No short-term rental host person or entity shall engage in, conduct, or carry on, or permit to be engaged in, conducted or carried on, in or upon any premises in the city of Columbus, the offering, listing, advertisement or marketing of a dwelling with five guestrooms or less on an entity's website for the purpose of offering to reserve or rent the dwelling, in whole or in part, to any other person, for a period of less than thirty (30) consecutive days, fshort-term rental, without obtaining a valid permit in accordance with this Chapter. It shall be prima facie evidence of a short-term rental operation if a short-term rental guest is found to be occupying or using a short-term rental. This section shall not apply if such entity, via its website, does not receive compensation or a fee for the short-term reservation/rental.



(B) An application for a new permit may be submitted at any time to the Director. If the application is approved and a valid permit is issued, the permit shall take effect on the day of issuance, and shall expire one calendar year from the day of issuance. If a valid permit is issued in conjunction with and contingent upon an explicit and consensual term lease agreement, as contemplated in section 598.04, the permit shall take effect on the day of issuance and shall expire upon the last day of the applicant's leasehold term or at the end of one calendar year from the day of issuance, whichever occurs first.

(C) A permit to operate a hotel/motel or short-term rental shall be renewed by the applicant prior to the expiration date. The renewed permit shall take effect on the day of issuance and shall expire upon the last day of the applicant's leasehold term or at the end of one calendar year from the day of issuance, whichever occurs first.

#### 598.03 - Application for Hotel/Motel or Short-Term Rental Permit, New and Renewal

(A) An Application for a new hotel/motel or short-term rental permit, and/or for renewal of a permit, shall be made to the Director, upon an approved forms, executed provided by the License Section. The Director shall establish associated permit fees and costs, with a portion of the short-term rental permit fees supporting affordable housing and home-ownership opportunities in the city of Columbus.

(B) The application for a permit to operate a hotel/motel or short-term rental shall contain the following information:

(1) Name of the applicant, including mailing address, telephone number, and email address. If the applicant is an entity, a corporation, firm, partnership, association, organization or other group acting as a unit, the applicant shall provide the name of the entity set forth exactly as shown on its articles of incorporation, mailing address, telephone number, and email address of an individual who is the statutory agent, president, or managing individual, the state in which the company is incorporated or registered, and the entity or corporation number;. The short-term rental applicant shall provide to the Director one form of proof of identity, and two pieces of evidence that the applicant's dwelling is the short-term rental applicant's primary residence as defined in C.C.C. 598.01(T), and/or the short-term rental applicant is the owner of the dwelling, and/or the applicant is the permanent occupant. If applicable, The short-term rental host the applicant shall provide sufficient documentation information to demonstrate compliance with the primary residency requirement as outlined in section C.C.C. 598.01(PT);

(2) Name of hotel/motel or description of the dwelling short-term rental, including property address, and, where applicable, a registered telephone number for the property location;

(3) Name of the The legal owner or owners of the dwelling or the property, including mailing address, telephone number, and email address. If an entity is the owner of dwelling or the property the property owner is a corporation, firm, partnership, association, organization or other group acting as a unit, the applicant shall provide the name of the entity set forth exactly as shown on its articles of incorporation as well as the mailing address, telephone number, and email address of an individual who is the statutory agent, president, or managing individual, the state in which the company entity is incorporated or registered, and the entity or corporation number;

(4) If an owner of the property or dwelling has executed a land contract, lease agreement, management agreement, or any other agreement separating the owner from control over the property and/or the hotel/motel or dwelling short-term rental, the applicant shall include a copy of said document agreement along with the application. In order to receive a permit, such documentation must explicitly provide consent for a dwelling to be used as a short-term rental. short-term rental operations. Absent Absence of such a clause or evidence of a prohibition of a short-term rental operations shall be grounds for a denial of a short-term rental permit;

(5) The names and addresses addresses and/or names of any other hotel/motel(s) or short-term rental(s) located in the city of Columbus that the applicant or property owner has any interest in, including, but not limited to, ownership, licensure, or management. If applicable, the duly authorized agent shall list the applicant's aforementioned interest(s);

(6) Name of the hotel/motel manager operator or short-term rental host, including mailing address, telephone number, and email address;

(7) The number of guestrooms in service in at the hotel/motel or offered, listed, advertised, or marketed in the short-term rental;

(8) The names of all hosting platforms on which the applicant has successfully been registered to offer, list, advertise, or market a short-term rental, and documentation confirming hosting platform registration(s),

and proof of general liability insurance for the each short-term rental as required by section C. C. 598.04(F);

(9) An short-term rental host's permit application for a short-term rental permit shall be notarized and the applicant shall to affirm that he/she/it and the dwelling the short-term rental host and short-term rental are in compliance with all applicable local, state, and federal laws and regulations.

(10) In the instance where no hosting platform is used or the hosting platform does not complete a background check, then the results of an Ohio statewide background check performed by a BCI approved background check provider. Such background check will be at applicant's personal expense. A new background check will be required to renew any short-term rental permit. At the time of application for a new permit or renewal of a hotel/motel or short-term rental permit, all of the following persons are required to provide the results of a fingerprint-based background check performed by a provider approved by the Ohio Bureau of Criminal Investigation:

- a. The applicant,
- b. The short-term rental host, if different than the applicant,
- c. The 24-hour local emergency contact person for the property as required by C.C.C. 598.04(C),
- d. The short-term rental property manager, if applicable
- e. If the applicant is a domestic business entity other than a general partnership, then the applicant must provide a copy of the entity's articles of incorporation, articles of organization, statement of partnership authority, certificate of limited partnership, or statement of domestic qualification filed with the Ohio Secretary of State.
- f. If the applicant is a foreign business entity other than a foreign general partnership, then the applicant must provide a copy of the foreign business entity's license, registration, or qualification filed with the Ohio Secretary of State authorizing it to do business in Ohio.
- g. For all business entity applicants, an individual who is either the statutory agent, a partner, the president, or in the case of an LLC, a managing individual who is also a member, must submit to and provide the results of a BCI background check.

(C) A short-term rental applicant may submit an application for a new short-term rental permit at any time to the Director. If the application is approved by the License Section and a new short-term rental permit is issued, the permit shall take effect on the date of issuance and shall expire one calendar year from the date of issuance. If the permit is issued in conjunction with and contingent upon an explicit and consensual term lease agreement, as contemplated in C.C.C. 598.03(B)(4), the permit shall take effect on the date of issuance and shall expire upon the last day of the applicant's leasehold term or at the end of one calendar year from the date of issuance, whichever occurs first. Proof of a lease agreement, as defined in C.C.C. 598.03(B)(4), indicating the leasehold term length, shall be required where applicable.

(D) A short-term rental applicant may submit an application for a short-term rental renewal permit prior to the permit expiration date. If approved, the short-term rental renewal permit shall take effect upon the expiration of the previous permit. The renewal permit shall expire one calendar year from the effective date. If the permit is renewed in conjunction with and contingent upon an explicit and consensual term lease agreement, as contemplated in C.C.C. 598.03(B)(4), the renewal permit shall take effect upon the expiration of the previous permit and shall expire upon the last day of the applicant's leasehold term or at the end of one calendar year from the effective date, whichever occurs first. Proof of a lease agreement, as defined in C.C.C. 598.03(B)(4), indicating the forthcoming leasehold term length, shall be required where applicable.

(E) A hotel/motel applicant may submit an application for a new hotel/motel permit at any time to the Director. If the application is approved by the License Section and the new hotel/motel permit is issued, the permit shall take effect on the date of issuance and shall expire on December 31 of the same calendar year. A hotel/motel applicant shall submit an application for a renewal permit to the Director no earlier than sixty (60) days prior to the expiration of the permit. If the application is approved by the License Section and the renewal hotel/motel permit is issued, the permit shall take effect on January 1st of the following year and shall expire on December 31.

(C) (F) The applicant shall must notify the License Section Director of any change in information contained in the permit application within ten (10) calendar days of the change on a form provided by the License Section.

(D) (G) Any transfer in ownership of a hotel/motel shall void any hotel/motel permits held in that owner's name. Any transfer in ownership of a dwelling shall void any short-term rental permit held in that owner's name and in connection with the specific dwelling's property address. Such aforementioned transfers of

ownership shall require submission of a new permit application in consideration of and for the issuance of a new hotel/motel or short-term rental permit.

Any change in ownership of the hotel, the building, the dwelling or the business, change in hotel operator, or change in name of the hotel, or short-term rental host shall void the current permit and shall require submission of a new application and the issuance of a new valid permit.

(E) (H) If approved, as a short-term rental by the License Section, a dwelling shall be assigned an individual permit account number that the applicant short-term rental host shall list with the dwelling short-term rental on any hosting platform. Only a valid permit which has been assigned to the dwelling being offered, listed, advertised, or marketed as a short-term rental shall be listed on a hosting platform. Upon a valid permit's expiration, no person or entity shall offer, list, advertise or market a dwelling in violation of C.C.C. 598.02(A)(2) a short-term rental host shall immediately remove the short-term rental from being listed on any hosting platform and shall not engage in any short-term rental operations. Any person or entity found engaging in or to have engaged in conduct in violation of C.C.C. 598.02(A)(2) with an expired permit is subject to the penalties as provided for in C.C.C. 598.20. Those found to be operating with an expired permit are in violation of section 598.02(A)(2) and are subject to the penalties as provided for in section 598.15.

(I) The License Section shall have the authority to deny a new or a renewal permit if any of the information required under this Section is reasonably determined to be insufficient.

(J) For purposes of this chapter, a hotel/motel or a short-term rental shall not be considered as a rooming house as defined under Chapter 4561, and vice versa. Any licensed hotel/motel or short-term rental shall not be issued a rooming house license, and vice versa.

#### 598.04 - Short-Term Rental Hosts and Hosting Platforms- Requirements

(A) The short-term rental host shall provide to the Director one form of proof of identity, and two pieces of evidence that the dwelling is the host's primary residence and/or two pieces of evidence the host is the owner of the dwelling.

(B) (A) A valid One short-term rental permit shall be required for each dwelling approved as a short-term rental.

(C) (B) A short-term rental host shall be either an owner or a permanent occupant. If a short-term rental host is not the property owner, but a permanent occupant of the dwelling, the host shall obtain permission from the property owner of the dwelling to register the dwelling on any hosting platform for use as a short-term rental.

(D) (C) A Short-term rental hosts shall provide written notice to a the short-term rental guest(s) of any known, non-obvious, or concealed condition, whether man-made or artificial, which may present a danger to the short-term rental guest(s), and shall designate a local 24-hour emergency contact person for the short-term rental property.

(E) (D) A Short-term rental hosts must comply with Section RC 2933.52 of the Revised Code. Such compliance shall also include known, non-obvious or concealed surveillance equipment, including, but not limited to, digital video cameras/recorders/monitors, streaming video security cameras, audio recorders/monitors, or any other electronic means of secretly watching, listening, or recording. In the event a short-term rental host utilizes an indoor and/or outdoor interception device(s), or any specific or similar aforementioned device, the short-term rental host shall notify the short-term rental guest. In the event the short-term rental guest does not consent to the short-term rental host utilizing an indoor interception device(s), or any specific or similar aforementioned device, for the duration of the short-term rental period, the short-term rental host shall immediately deactivate the indoor interception device(s) and shall not intercept, listen, monitor, record, or like thereof, any activity inside the short-term rental dwelling.

(F) (E) A Short-term rental hosts shall comply with the city of Columbus short-term rental excise taxes as required by C.C.C. Chapter 371 of the Columbus City Code.

(G) (1) A Rentals for thirty (30) or more consecutive days by the same person(s) guest(s) are not subject to short-term rental regulations or short-term rental excise taxes.

(H) All short-term rental hosts shall obtain liability insurance for each short-term rental. Each short-term rental shall at all times maintain the following insurance coverage meeting all of the following requirements:

(1) A general liability insurance policy or certificate that shall provide the minimum coverage;

a. Not less than three hundred thousand dollars (\$300,000). Such policy or certificate must be issued by an insurance company that is admitted to do business in the state of Ohio or by an eligible surplus lines

company or risk retention group.

b. The policy or certificate shall provide notice of cancellation of insurance to the Director at least ten (10) days prior to cancellation.

c. Any cancellation of insurance required by this section shall result in an automatic revocation of the respective short-term rental permit.

(2) In the event that a hosting platform provides liability insurance to a host, such insurance would be deemed acceptable for submission provided the insurance meets the requirements of paragraph (1)(a) above.

(I) (F) No person or entity short-term rental host shall offer, list, advertise or market a dwelling with five guestrooms or less, located within the city of Columbus, on an entity's website, for which such entity is compensated for facilitating or providing for a mechanism for a transaction, to rent or reserve the dwelling, in whole or in part, for less than thirty (30) days, to another person, engage in a short-term rental operation located within the city of Columbus without registering, listing, or accompanying the a valid short-term rental permit number, issued in accordance with this chapter and associated with the dwelling. short-term rental on any medium used by the short-term rental host to advertise the short-term rental.

(J) (G) No entity, via the entity's website, shall provide for or facilitate a mechanism for and collect a fee for, a transaction between an owner or permanent occupant and another person to rent or reserve, in whole or in part, booking services in connection with any a dwelling with five guestrooms or less, short-term rental operation located within the city of Columbus, unless the owner or permanent occupant short-term rental host has registered or otherwise provided to the entity website a valid permit number, issued in accordance with this chapter and associated with the dwelling.

(K) (H) Records required.

(1) A Sshort-term rental hosts who engages in, conducts, or carries on a in short-term rentals, and a hosting platforms that engage provides for or facilitates a in booking services, shall maintain and provide, when requested, records documenting the following information:

(a) a. The short-term rental physical address;

(b) b. The name of the person or entity who registered the short-term rental on the hosting platform or who listed the short-term rental using any medium on the hosting platform; and

(c) c. For each short-term rental guest, Tthe dates and duration of stay in a short-term rental, the number of persons who were scheduled to stay each night, and the daily rate charged for each short-term rental guest.

(2) A Hosting platforms and a short-term rental hosts shall retain records for a period of at least four (4) years.

(3) In order to determine whether an applicant, short-term rental host or hosting platform is in compliance with the requirements of this Chapter, the Director may request that any records relevant to or of assistance in a compliance investigation, be provided for inspection. If such request is denied, the Director may seek an administrative search warrant from a court of competent jurisdiction authorizing said inspection.

(L) (I) Nothing in this section shall be construed as permitting any person or entity to obtain a permit or offer, list, advertise, or market a short-term rental, where prohibited by any other provision of law.

#### 598.05 - Grounds for Denial, Revocation, or Suspension

(A) The Director shall issue a new permit, or grant the renewal of an existing permit, except as provided in divisions (B) or (C) of this section.

(B) (A) The Director shall deny any application for a new permit or renewal of permit, or revoke or suspend a permit, if any of the following are shown to have occurred during the time of application or at the hotel/motel, or short-term rental address, property, or applicant's dwelling:

(1) The applicant makes a material misrepresentation of fact on the application or submits fraudulent, counterfeit, or false documentation;

(2) The applicant or any owner of the hotel/motel or short-term rental has been convicted of violating sections 598.02(A)(1), 598.02(A)(2) or 598.08(B) of this chapter;

(3) (2) Any applicant, owner, applicant, operator, or manager, of the hotel/motel or short-term rental host or property manager is shown to have been convicted of the act of prostitution or soliciting for prostitution, or an act that would constitute a violation of the Ohio Revised Code RC Chapters 2925 or 3719, on the

premises of the hotel/motel or short-term rental in question, the applicant's dwelling, or any hotel/motel, or short-term rental, or dwelling in which the applicant, owner, or short-term rental host that individual has any interest in, including, but not limited to, ownership, licensure, or management;

(4) (3) The applicant or owner of the hotel/motel does not have a valid State of Ohio license as defined in Ohio Revised Code Section RC 3731.03;

(5) (4) Applicant's dwelling or the property on which the hotel/motel or short-term rental is located is not in good standing with the City of Columbus Income Tax Division;

(6) (5) The applicant or the short-term rental host is not in good standing with the City of Columbus Income Tax Division.

(C)(B) The Director may deny any application for a new permit, or renewal of permit, revoke or suspend a permit, if any of the following are shown to have occurred during the time of application or at the hotel/motel, or short-term rental, or applicant's dwelling:

(1) The applicant has been convicted of violating C.C.C. 598.02(A)(1) or C.C.C. 598.02(A)(2).

(1) (2) The hotel/motel, or short-term rental, or applicant's dwelling has outstanding orders from the Columbus Division of Fire that have not been corrected;

(2) (3) A pattern of felony drug related activity;

(3) (4) A pattern of prostitution related activity or evidence of human trafficking;

(4)(5) A pattern of gang related activity as defined in Ohio Revised Code Section RC 2923.41;

(6) A documented history or pattern at the hotel/motel, short-term rental, or applicant's dwelling of repeated offenses of violence as defined in RC 2901.01;

(7) The short-term rental host has a documented history of repeated offenses of violence as defined in RC 2901.01;

(5) (8) The hotel/motel has a calls for service ratio greater than 1.2 during a consecutive twelve-month period where at least one of the twelve months occurs within the calendar year in which an objection to the permit is lodged;

(6) The hotel/motel or short-term rental has a documented history of repeated offenses of violence as defined in Ohio Revised Code Section 2901.01;

(9) The short-term rental or applicant's dwelling has three (3) or more calls for service during a consecutive twelve-months where at least one of the twelve months occurs within the calendar year in which an objection to the permit is lodged;

(7) (10) The applicant, the owner, applicant, operator, or manager, or short-term rental host, or property manager has not made a good faith effort to correct violations of sections C.C.C. 598.05 or C.C.C. 598.1611 of this chapter, or has obstructed or interfered with correction of the violations;

(8) (11) Any applicant, owner, applicant, operator, or manager, short-term rental host or property manager of the hotel/motel, or short-term rental host is shown to have engaged in the act of prostitution or soliciting for prostitution, or an act that would constitute a violation of the Ohio Revised Code RC Chapters 2925 or 3719, on the premises of the hotel/motel or short-term rental in question, the applicant's dwelling, or any hotel/motel, or short-term rental, or dwelling in which the applicant, owner or short-term rental host that individual has any interest in, including, but not limited to, ownership, licensure, or management.

(9) (12) An owner, manager, or operator of the hotel/motel, a short-term rental host, or a property manager, or applicant The applicant or any owner of the hotel/motel or short-term rental has hindered or prevented any inspection of the hotel/motel, or short-term rental, or applicant's dwelling as authorized by C.C.C. 598.13; Chapter 501 of the Columbus City Code;

(10)(13) The short-term rental or applicant's dwelling has a documented history or of repeated conduct that endangers neighborhood safety or diminishes resident's quality of life. This subdivision shall not apply to a hotel/motel.

(14) Applicant's dwelling or the short-term rental has a calls for service in relation to an allegation of a criminal violation of the C.C.C. or the RC

(15) Applicant or the short-term rental host has been found guilty of maintaining a public nuisance under Title 47 or RC Chapter 3767 by a court of competent jurisdiction.

(16) Applicant's dwelling or the short-term rental has been declared a public nuisance under Title 47 or RC Chapter 3767 by a court of competent jurisdiction.

(17) Applicant or the short-term rental host has not abated the public nuisance or complied with a notice of violations under Title 47.

(D) (C) Evidence of conduct under divisions (BA) and (CB) of C.C.C. 598.05 this section need only be that

of de facto violation of law, evidence of conviction is not a prerequisite for denial unless specifically indicated.

#### 598.06 - Objection to New or Renewal, Revocation and Suspension of Hotel/Motel or Short-Term Rental Permit

(A) At any time during the calendar year, Tthe License Section may shall submit an objection to the Director with regards to a new permit application or a renewal application if it is determined that any ground activities set forth in divisions (B) or (C) of section C.C.C. 598.05(A) is are found or shown to have occurred and where at least one of the grounds occurred within the previous twelve months. at the hotel/motel or short-term rental.

(B) At any time during the calendar year, the License Section may submit an objection to the Director with regards to a new permit application or a renewal application if it is determined that any ground set forth in C.C.C. 598.05(B) is found or shown to have occurred where at least one of the grounds occurred within the previous twelve months.

(B) (C) At any time during the calendar year, Tthe License Section shall revoke and/or suspend a hotel/motel or short-term rental permit if it is determined that any ground activities set forth in divisions (BA) of section C.C.C. 598.05 is found or shown to have occurred where at least one of the grounds occurred after the permit's issue date but before the permit's expiration date. Prior to any action of suspension or revocation under C.C.C. 598.06(C), the License Section shall submit a Notice of Suspension or Notice of Revocation to the Director. at the hotel/motel or short-term rental. For short-term rentals, suspension, revocation and/or other penalties may occur if a unit is listed on a hosting platform without the required permit account number as required under section 598.03(E).

(D) At any time during the calendar year, Tthe License Section may revoke and/or suspend a hotel/motel or short-term rental permit if it is determined that any ground activities set forth in divisions (B) of section C.C.C. 598.05 is found or shown to have occurred where at least one of the grounds occurred after the permit's issue date but before the permit's expiration date. Prior to any action of suspension or revocation under C.C.C. 598.06(D), the License Section shall submit a Notice of Suspension or Notice of Revocation to the Director.

#### 598.07 - Hearing, Appeals and Remedy Process

(A) Any person who has been denied, suspended, or refused a license or renewal of a license under this chapter may appeal such decision as provided in Chapter 505 of the City Code.

(B) Action to issue, revoke, suspend or renew a permit may be stayed should the property take specific steps to remediate problems outlined in the notice of revocation and suspension that include but are not limited to some of the following actions:

- (1) Completion of approved safety and security training, and/or training to identify criminal activity such as human trafficking
  - (2) 24 hour presence of special duty uniformed police or qualified security
  - (3) Installation of safety and security measures such as fencing, lighting, public space surveillance, etc.
  - (4) Voluntary sharing of guest information with law enforcement
  - (5) Voluntary participation in right-of-entry programs with law enforcement agencies
  - (6) Implementation of minimum age of 21 for check-in for lodging properties
  - (7) Requirement of use of valid credit card at check in
  - (8) And/or additional remediation actions as approved by the Director
- (C) All potential remedies outlined in division () of this section must be approved by the Director.

#### 598.07 Notice of Denial, Revocation, or Suspension of Hotel/Motel or Short-Term Rental Permit

(A) If the License Section denies a new or renewal permit under C.C.C. 598.03(I), the License Section shall provide a Notice of Denial to the applicant which shall list any and all grounds for such denial. Such Notice of Denial shall be provided no later than seven (7) calendar days from the date of denial.

(B) If a permit is automatically revoked under C.C.C. 598.14(C), the License Section shall provide a Notice of Revocation to the owner and the grounds for such revocation. The Notice of Revocation shall be provided within seven (7) calendar days from the date of a name change or notice to the License Section, whichever



occurs earlier in date.

(C) If the License Section denies a new or renewal permit under divisions (A) or (B) of C.C.C. 598.05, the License Section shall provide a Notice of Denial to the applicant which shall list any and all grounds for such denial. Such Notice of Denial shall be provided no later than seven (7) calendar days from the date of denial.

(D) At a minimum of seven (7) calendar days prior to such action of revocation or suspension under C.C.C. 598.06(C) or (D), the License Section shall provide a Notice of Revocation or a Notice of Suspension to the hotel/motel manager or short-term rental host. The Notice of Revocation or Notice of Suspension shall list all grounds for which the permit is being revoked or suspended.

(E) The Director shall make every reasonable effort to personally serve the hotel/motel manager or short-term rental host with any Notice of Revocation or Notice of Suspension.

#### 598.08 Emergency Revocation or Suspension of Short-Term Rental Permit

(A) Whenever the Director determines that an emergency exists which requires immediate action of a revocation or suspension of a short-term rental permit to protect the public health and safety, the Director shall issue a written order to the short-term rental owner, short-term rental host, and/or permanent occupant, reciting the existence of such an emergency and requiring such action as the Director deems necessary be taken to meet the emergency.

(B) Notwithstanding other provisions of this chapter, such order shall be effective immediately and shall be complied with immediately.

(C) Additionally the Director shall make every reasonable effort to personally serve the short-term rental host with the written order.

#### 598.09 - Appeal Procedure and Stay Order

(A) All persons aggrieved by an order of the Director or License Section denying the issuance or renewal of a permit or revoking or suspending a permit who wish to appeal such order, may appeal such order to the Board of Licensing Appeals and shall do so pursuant to the provisions of Chapter 505.

(B) All appeals shall be perfected in the following manner:

(1) The appellant must file a written notice of appeal to the License Section on a form approved by the Board of Licensing Appeals within twenty (20) calendar days after receipt of the order from which the appellant appeals.

(2) The appellant must deposit with the License Section a fee of thirty dollars (\$30.00), which sum shall be refunded to the appellant only if the Board of Licensing Appeals renders a decision in appellant's favor. Otherwise, the deposit shall be forfeited and placed into the general fund of the city.

(3) Within five (5) days after receipt by the License Section of the notice of appeal, the License Section shall cause a true copy of the notice of appeal to be docketed with the chairperson of the Board of Licensing Appeals.

(4) Within twenty (20) days after receipt by the chairperson of the notice of appeal or, if a stay order is issued pursuant to C.C.C. 505.07, then within sixty (60) days from the date of issuance of the stay order, the chairperson shall cause a meeting of the Board of Licensing Appeals to be convened for the purpose of hearing the appeal.

(5) In the event an expedited appeal is required pursuant to an emergency revocation or suspension cited under C.C.C. 598.08(A), the chairperson shall cause a meeting of the Board of Licensing Appeals to be convened for the purpose of hearing the appeal to conform with the time limits therein.

a. The burden is on the appellee to prove by clear and convincing evidence that an emergency existed which required immediate action on the part of the Director. Appellant has no burden to prove there was not an emergency.

(C) An appeal does not automatically operate as a stay of a revocation or suspension order by the Director or the License Section. If an appellant desires a stay of such order pending the outcome of the hearing, appellant must first apply in writing to the chairperson setting forth reasons for the stay. The chairperson may request the License Section to render, in writing, its views regarding the stay request. Within five (5) days after the receipt by the chairperson of the request for a stay, the chairperson shall render a decision on the request. If the chairperson determines that undue hardship to the appellant will result by not issuing a stay and no apparent harm will be caused to the citizens of the city by issuing a stay, a stay order, not



to exceed sixty (60) days and pending the outcome of the hearing, will be granted.

(D) In addition to the general review standards for a stay described in C.C.C. 598.09(C), an action to revoke or suspend a hotel/motel permit may be stayed should the property owner/operator take specific steps to remediate problems outlined in the notice of revocation or suspension that include, but are not limited to, some of the following actions:

- (1) Completion of approved safety and security training, and/or training to identify criminal activity such as human trafficking
- (2) 24 hour presence of special duty uniformed police or qualified security
- (3) Installation of safety and security measures such as fencing, lighting, public space surveillance, etc.
- (4) Voluntary sharing of guest information with law enforcement
- (5) Voluntary participation in right-of-entry programs with law enforcement agencies
- (6) Implementation of minimum age of 21 for check-in for lodging properties
- (7) Requirement of use of valid credit card at check in
- (8) And/or additional remediation actions as approved by the Director

#### 598.10 Hearing Process

(A) All hearings shall proceed as in a trial of a civil action with the License Section having the burden of going forward. The License Section shall be limited to evidence relating to the reasons set forth in its order unless the Board of Licensing Appeals determines that justice to the citizens of the city requires other evidence to be admitted.

(B) In all hearings, the Board of Licensing Appeals shall not be strictly bound by the rules of evidence.

(C) All testimony shall be given under oath, to be administered by an officer authorized to administer oaths, and shall be recorded by a stenographer at a cost to the License Section.

(D) All parties shall have the right to appear and be heard in person, or by legal counsel, to present their case.

(E) All parties shall have the right to:

- (1) Offer and examine witnesses and present evidence in support of their case; and
- (2) Cross-examine adverse witnesses and offer evidence to refute evidence offered in opposition; and
- (3) Proffer evidence into the record if its admission has been denied.

#### 598.11 Judicial Review

The appellant and the License Section may appeal from a decision of the Board of Licensing Appeals by perfecting such as provided in RC Chapter 2506. The cost of acquiring a transcript for such appeal shall be borne by the party seeking to appeal.

#### 598.1208 - Authority to Conduct Inspections

(A) Upon display of the proper credentials, sworn officers excluded, any employee of the division of police, division of fire, department of building and zoning services, code enforcement division, or Columbus Public Health may be permitted to inspect the hotel/motel premises, or short-term rental, or applicant's dwelling unit to ensure compliance with this cChapter.

(B) If the request for inspection described in division (A) of this section is denied, any sworn officer or employee of the division of police, division of fire, department of building and zoning services, code enforcement division, or Columbus Public Health may seek an administrative search warrant from a court of competent jurisdiction authorizing said inspection.

#### 598.1309 - Transfer of Hotel/Motel or Short-Term Rental Permit Not Permitted

(A) No permit issued under this cChapter shall be transferable or assignable to another person or entity., corporation, firm, partnership, association, organization or other group acting as a unit.

(B) No permit issued under this cChapter shall be transferable or assignable to another hotel/motel name or franchise, or hotel/motel location or building, or short-term rental operation.

(C) Any person or entity found to have transferred, assigned, or attempted to transfer or assign, a valid permit to another person or entity shall be subject to the penalty under C.C.C. 598.20(E). Such transfer or

assignment shall cause the associated permit to be automatically revoked.

#### 598.140 - Discrimination Prohibited

(A) An owner, permanent occupant, short-term rental host, or operator No person or entity shall not:

- (1) Decline a potential transient guest, transient guest, potential short-term rental guest, or short-term rental guest based on race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, familial status or military status;
- (2) Impose any different terms or conditions based on race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, familial status or military status;
- (2) (3) Post any listing or make any statement that discourages or indicates a preference for or against any potential transient guest, transient guest, potential short-term rental guest, or short-term rental guest on account of race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, familial status or military status.

#### 598.151 - Display of Hotel/Motel or Short-Term Rental Permit

(A) The hotel/motel manager or short-term rental shall maintain the valid permit on the hotel/motel premises.

(B) The short-term rental host or property manager shall maintain and display the valid permit at the short-term rental.

#### 598.172 - Rules and Regulations

(A) The Director may promulgate and enforce reasonable rules and regulations to carry out the intent of this cChapter in accordance with sections C.C.C. 501.05 and C.C.C. 501.06. of the Columbus City Codes.

#### 598.183 - Severability

(A) In the event any section or provision of this cChapter shall be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of this cChapter as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.

#### 598.194 - Hotel/Motel Penalty

(A) Whoever violates Any person or entity who engages in, conducts, or carries on, or permits to be engaged in, conducted, or carried on, in or upon any premises in the city of Columbus, the operation of a hotel/motel without obtaining a permit in violation of section C.C.C. 598.02(A)(1) of this chapter shall be guilty of a misdemeanor of the first degree. Anyone who has previously been convicted of or pleaded guilty to an offense under this section shall be guilty of a misdemeanor of the first degree, and shall serve no less than 30 days in jail. This is a strict liability offense. Any entity convicted under this section shall be subject to organizational criminal liability as contemplated by C.C.C. 2301.23.

(B) Any person or entity who violates C.C.C. 598.16(A) shall be guilty of a minor misdemeanor. This is a strict liability offense. Any entity convicted under this section shall be subject to organizational criminal liability as contemplated by C.C.C. 2301.23. Whoever violates section 598.11(A) of this chapter shall be guilty of a minor misdemeanor.

#### 598.2015 - Short-Term Rental Penalty

(A) Any person or entity who violates C.C.C. 598.04(F), shall be guilty of an unclassified misdemeanor and shall be fined not more than two hundred fifty dollars (\$250.00). An offender who has been previously convicted of or pleaded guilty to a violation of C.C.C. 598.04(F) is guilty of a misdemeanor of the third degree. Where a violation of C.C.C. 598.04(F) occurs in multiple listings, each listing shall constitute a separate offense. This is a strict liability offense. Any entity convicted under this section shall be subject to organizational criminal liability as contemplated by C.C.C. 2301.23.

(B) Any entity that violates C.C.C. 598.04(G), without first correcting or remedying the violation in a reasonable and timely manner, shall be guilty of an unclassified misdemeanor and shall be fined not more than two hundred fifty dollars (\$250.00). An offender who has been previously convicted of or pleaded guilty to a violation of C.C.C. 598.04(G) is guilty of a misdemeanor of the third degree. Where a violation of C.C.C. 598.04(G) occurs in multiple short-term rentals, each violation shall constitute a separate offense. Any entity convicted under this section shall be subject to organizational criminal liability as contemplated by C.C.C. 2301.23.

(C) Any person or entity who violates C.C.C. 598.02(A)(2) shall be guilty of an unclassified misdemeanor and shall be fined not more than two hundred fifty dollars (\$250.00). An offender who has been previously convicted of or pleaded guilty to a violation of C.C.C. 598.02(A)(2) is guilty of a misdemeanor of the third degree. In addition, all gross revenue or compensation from a reservation(s) or rental(s) that is obtained in violation of C.C.C. 598.02(A)(2) shall be remitted to the city of Columbus, subject to local and state laws governing forfeiture. This is a strict liability offense. Any entity convicted under this section shall be subject to organizational criminal liability as contemplated by C.C.C. 2301.23.

(D) Any person or entity who violates C.C.C. 598.16(B) shall be guilty of a minor misdemeanor. This is a strict liability offense. Any entity convicted under this section shall be subject to organizational criminal liability as contemplated by C.C.C. 2301.23.

(E) Any person or entity who violates C.C.C. 598.14(C) shall be guilty of a minor misdemeanor. This is a strict liability offense. Any entity convicted under this section shall be subject to organizational criminal liability as contemplated by C.C.C. 2301.23.

(A) Any short-term rental host who rents a short-term rental for a short-term rental operation in violation of section 598.04(I), or any hosting platform that provides a booking service for short-term rental operations in violation of section 598.04(J), without correcting or remedying the violation in a reasonable and timely manner, shall be guilty of an unclassified minor misdemeanor and shall be fined not more than two hundred fifty dollars (\$250.00). Upon subsequent conviction, the penalty shall be a misdemeanor of the third degree and a fine of not more than five hundred dollars (\$500.00) or imprisonment for not more than sixty (60) days, or both, in addition to any other penalties as imposed by this chapter. Each dwelling rented for short-term rental operations shall constitute a separate offense.

(B) Any short-term rental host who rents a short-term rental for a short-term rental operation in violation of section 598.02(A)(2), without correcting or remedying the violation in a reasonable and timely manner, shall be guilty of an unclassified minor misdemeanor and shall be fined not more than two hundred fifty dollars (\$250.00). In addition, all gross revenue from short-term rental transactions that are illegally obtained in violation of section 598.02(A)(2) shall be remitted to the city of Columbus, subject to local and state laws governing forfeiture.

(C) Whoever violates section 598.11(A) shall be guilty of a minor misdemeanor.

598.21 Reserved

SECTION 2. That the existing Chapter 598 is hereby repealed.

SECTION 3. That, for the reasons stated in the preamble hereto, which is hereby made a part hereof, this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage or approval by the Mayor or ten days after its passage if the Mayor neither approves nor vetoes the same

## RECORD OF ORDINANCES

BARRETT BROTHERS - DAYTON, OHIO

Form 6220S

Ordinance No. **73-19 (Amended)**

Passed \_\_\_\_\_

**ADOPTING CHAPTER 122 UNDER TITLE XI OF THE CITY OF DUBLIN CODIFIED ORDINANCES TO REGULATE SHORT-TERM RENTAL FACILITIES.**

**WHEREAS**, municipalities across the United States have implemented, or are implementing, regulations and standards for short-term rental facilities and the online hosting platform industry; and

**WHEREAS**, the State of Ohio and the City of Dublin currently have no regulations on short-term rentals and online hosting platforms; and

**WHEREAS**, Council referred the question of regulating short-term rentals within the City of Dublin to the Community Development Committee to consider whether the City would be best served by implementing restrictions on short-term rentals; and

**WHEREAS**, the Community Development Committee considered this question at its September 16, 2020, meeting, and determined that short-term rental units should be limited to no more than 2 weeks per year to preserve the health, safety, and welfare of the City; and

**WHEREAS**, the Community Development Committee recommends that the City impose restrictions on the use of short-term rentals to maintain the distinct character and family atmosphere of the City of Dublin.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Dublin, Delaware, Franklin, and Union Counties, State of Ohio, 7 of the elected members concurring:

**Section 1.** That Chapter 122 of Title XI of the Codified Ordinances of the City of Dublin, Ohio, as set forth in the attached Exhibit A, is hereby adopted.

**Section 2.** That Council hereby authorizes the City Manager, Law Director, and Finance Director to seek a Memorandum of Understanding with online hosting platforms that City permit numbers shall be prominently posted on the hosting platform and any other agreement necessary to effectively implement this Ordinance.

**Section 3.** That Council finds that all deliberations and actions of the public body relating to this Ordinance were taken in an open meeting in compliance with Section 121.22 of the Ohio Revised Code.

**Section 4.** This Ordinance shall take effect in accordance with Section 4.04(b) of the Dublin Revised Charter.

Passed this 12th day of October, 2020.



Mayor – Presiding Officer

ATTEST:



Clerk of Council



Exhibit A

## Chapter 122 – Short-Term Rental Operations

## 122.01 DEFINITIONS

For the purposes of this Chapter, the following terms, phrases, and words shall have the meanings given to them herein.

“Short-Term Rental” means any room or dwelling that is rented wholly or partly for a fee for less than thirty (30) consecutive days by persons other than the permanent occupant or owner from which the permanent occupant or owner receive monetary compensation, whether such compensation is paid directly by the short-term rental guest or is collected and remitted to the permanent occupant or owner by a hosting platform. “Short-Term Rental” does not include a room in any Hotel or Motel, as defined elsewhere in the Codified Ordinances. “Short Term Rental” also does not include corporate housing, meaning temporary housing provided through an entity for which an affidavit in a form satisfactory to the Planning Director has been completed attesting that such entity is engaged primarily in the business of providing temporary housing services for corporate clients, regardless of duration.

“Short-Term Rental Operation” or “operation of a short-term rental” means the occupancy for a fee of any room or dwelling in a short-term rental by a transient guest.

“Hosting Platform” means a person or entity that participates in the transient rental business by providing, and collecting or receiving a fee for, booking service through an online platform that allows an operator to advertise the transient rental unit through a website hosted by the hosting platform. Examples include, but are not limited to, Airbnb, VRBO, and HomeAway.

“Transient Guests” means persons occupying a room or rooms for sleeping accommodations for less than thirty (30) consecutive days.

“Short-Term Rental Guests” means persons renting temporary lodging from a short-term rental host, or through a hosting platform on behalf of the short-term rental host, for less than thirty (30) consecutive days.

“Guestroom” means a room offered to the public for a fee that contains, at a minimum, provisions for sleeping.

“Permanent Occupant” means persons who reside in a dwelling more than 51% of the time during a calendar year; the dwelling in which the persons reside shall be referred to as their primary residence.

“Primary Residence” means a residence that is the usual place of return for housing as documented by at least two of the following: motor vehicle registration, driver’s license, tax documents, lease copy or a utility bill. An owner or permanent occupant can only have one primary residence.

“Dwelling” means any building or structure which is occupied or intended for occupancy in whole or in part as a home, residence, or sleeping place for one or more persons.

## 122.02 CAP ON RENTAL NIGHTS

- (A) Short-term rental operators are prohibited from renting any room or dwelling to transient guests for more than two (2) weeks total in a calendar year. The short-term rental may be rented up to two (2) times per year, in increments up to seven (7) days each.
- (B) If a property owner wishes to rent a room or dwelling for more than two (2) weeks in a calendar year, such rental must be to the same tenant and for a lease term of at least thirty (30) consecutive days.

## 122.03 REGISTRATION REQUIRED

- (A) No person, including but not limited to an owner, operator, manager, or employee shall engage in, conduct, or carry on, or permit to be engaged in, conducted or carried on, in or upon any premises in the city of Dublin, the operation of a short-term rental in a calendar year without registering in accordance with this chapter.
- (B) A registration application may be submitted at any time to the Planning Director, or his/her designee. If the registration application is approved, such registration shall take effect on the day of approval and shall expire on December 31<sup>st</sup> of the year approved; provided, however, that if an initial registration application is approved on or after September 1, the registration shall be effective until December 31 of the next calendar year.
- (C) Registration to operate a short-term rental shall be renewed by the applicant before the end of each calendar year.

The deadline for submitting an application for renewal shall be the first Monday of November of the year in which the registration is set to expire. Failure to renew shall result in expiration on December 31<sup>st</sup>. If a permit is successfully renewed, it shall be in effect for the next calendar year, beginning on January 1<sup>st</sup> and expiring on December 31<sup>st</sup> of the same year.

- (D) The short-term rental operator must maintain a copy of the permit on premises.
- (E) Bed and breakfast establishments lawfully operating within the City, as defined by Section 153.002(B)(2)(a) and Section 153.059 of the Codified Ordinances, shall not be subject to the requirements of Chapter 122 provided that such establishments were in operation prior to the effective date of Ordinance #-20, and have not ceased operation for more than ninety (90) consecutive days.

## 122.04 SHORT-TERM RENTAL REGISTRATION, NEW AND RENEWAL

- (A) An application for a short-term rental permit, and/or renewal of a permit, shall be made to the Planning Director, or his/her designee, upon approved forms, for an application fee of \$225. City Council shall have authority to amend the fee amount from time to time to reflect the costs of administering this Chapter.
- (B) The application for a permit to operate a short-term rental shall contain the following information:

- (1) Name of the applicant, including mailing address, telephone number, and email address;
  - (2) Sufficient information to demonstrate compliance with either the permanent occupancy or ownership requirements outlined in Section 122.01;
  - (3) The names of all hosting platforms that are used by the short-term rental host and proof of rental insurance for the unit rental;
  - (4) The names of all advertising outlets in which the short-term rental host intends to advertise such rental if the short-term rental host is not using a hosting platform;
  - (5) The maximum number of occupants that will be accommodated at the short-term rental, not to exceed two (2) per bedroom;
  - (6) The maximum number of motor vehicles that will be permitted to park at the short-term rental; this number shall not exceed the number that can be garaged on-premises, plus two that may park in a driveway, plus two that may park on-street;
  - (7) An affidavit attesting that the short-term rental operation is in compliance with all applicable local, state, and federal laws and regulations concerning the provision of sleeping accommodations to transient guests.
- (C) The applicant must notify the Planning Director, or his/her designee, of any change in information contained in the permit application within 10 days of the change.
- (D) Any change in ownership of the dwelling shall void the current registration and shall require submission and approval of a new registration application.
- (E) A short-term rental shall be assigned an individual registration account number that must be prominently posted with the unit on a hosting platform or in any other advertisement regarding the unit. Said valid registration shall be displayed but removed upon expiration.
- (F) Prior to each rental, the registered owner of the short-term rental must also submit to the Planning Director, upon approved forms, the following information:
- (1) The maximum number of people that will be present in the room or dwelling during the rental;
  - (2) The maximum number of motor vehicles that will be present during the rental (up to two of which may be parked on a driveway and up to two may be parked on-street);
  - (3) The date and approximate time frame for occupancy of the transient guests.
  - (4) A contact name and number for the rental host that may be used 24/7 for any issues related to the short-term rental unit or transient guests.

## 122.05 SHORT-TERM RENTAL OPERATOR – REQUIREMENTS

- (A) Short-term rental host requirements
- (1) One short-term rental registration per short-term rental operation may be issued.



- (2) If a short-term rental host is not the property owner, but a permanent occupant of the dwelling, the host shall obtain permission from the property owner of the dwelling to register the dwelling on any hosting platform or to advertise the dwelling in any other manner for use as a short-term rental.
- (3) Rentals for 30 or more consecutive days by the same guest(s) will not be subject to short-term rental regulations.

#### (B) Records required

Short-term rental hosts that offer short-term rentals shall retain and, upon request, make available to the Planning Director, or his/her designee, official records to demonstrate compliance with this section, including, but not limited to, primary residency, the dates and duration of each stay in the short-term rental, the rate charged for each short-term rental on each night, the maximum occupancy permitted at the short-term rental, and the maximum number of motor vehicles permitted at the short-term rental.

#### 122.06 GROUNDS FOR DENIAL

(A) The Planning Director, or his/her designee, shall approve a registration, or grant the renewal of an existing registration, except as provided in divisions (B) and (C) of this section.

(B) The Planning Director, or his/her designee, shall deny any application for a new registration, or renewal of registration, if any of the following are shown to have occurred at the short-term rental property:

- (1) The applicant makes a material misrepresentation of fact on the application;
- (2) The applicant or owner of the short-term rental has been convicted of violating section 122.02(A) of this chapter;
- (3) The short-term rental host is not in good standing with the City of Dublin Income Tax Division;
- (4) The short-term rental has a documented history of repeated conduct that endangers neighborhood safety or of conditions interfering with the use and enjoyment of property within its vicinity; or of conduct in violation of Section 122.10.

(C) Evidence of conduct under divisions (A) and (B) of this section need only be that of de facto violation of law; evidence of conviction is not a prerequisite for denial unless specifically indicated.

#### 122.07 REVOCATION OF REGISTRATION

(A) The Planning Director, or his/her designee, may revoke and/or suspend a short-term rental registration if a unit is listed on a hosting platform or advertised elsewhere without the registration number as required under section 122.03(E); or is perpetuating conditions interfering with use and enjoyment of properties within its vicinity; or is delinquent in filing or payment with the City of Dublin Income Tax Division; or has exceeded the limitation set forth in Section

122.02(A); or is engaging in conduct in violation of Section 122.10. Conditions interfering with use and enjoyment of properties within the vicinity of a short-term rental include, but are not limited to:

(1) Noise audible beyond the boundary of the property on which the short-term rental is located;

(2) Occupancy by a number of short-term rental users exceeding the maximum number included in the registration for the short-term rental;

(3) Parking of a number of motor vehicles exceeding the maximum number included in the registration for the short-term rental; or

(4) Uninvited entry of short-term rental occupants upon private property within five hundred (500) feet of the short-term rental.

(B) A violation of any of the conditions in Section 122.07(A) shall result in progressive discipline:

(1) Upon the first violation, the registration for the Short-Term Rental shall be terminated and the short-term rental host prohibited from re-registering for 6 months from the date of termination.

(2) Upon the second violation, the registration for the Short-Term Rental shall be terminated and the short-term rental host prohibited from re-registering for 1 year from the date of termination.

(3) Upon the third violation, the registration for the Short-Term Rental shall be terminated and the short-term rental host prohibited from re-registering at any time in the future.

#### 122.08 APPEAL OF DENIAL OR REVOCATION OF REGISTRATION

In the event an applicant has been denied a registration, or if a registration has been revoked or suspended, the party affected shall have the right to appeal to the City Manager from such denial, revocation, or suspension within 10 business days. Notice of appeal shall be filed with the City Manager's office on a form created by the City Manager for such purpose, and the City Manager shall set the date and time of the appeal hearing. The burden of proof in such an appeal shall be upon the appellant to show that the denial or revocation was arbitrary or unreasonable.

#### 122.09 AUTHORITY TO CONDUCT INSPECTIONS

The Planning Director, or his/her designee, may inspect the short-term rental unit to ensure compliance with this chapter with the consent of the owner or occupant or, if consent is denied, may pursue other legal authority for inspection.

#### 122.10 TRANSFER OF SHORT-TERM RENTAL REGISTRATION PROHIBITED

No registration under this chapter shall be transferable to another short-term rental operation.

#### 122.11 DISCRIMINATION PROHIBITED

(A) A short-term rental host shall not:

(1) Decline a short-term rental guest based on race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, familial status, or military status;

(2) Impose any different terms or conditions based on race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, familial status, or military status;

(3) Post any listing or make any statement that discourages or indicates a preference for or against any short-term rental guest on account of race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, familial status, or military status.

#### 122.12 SEVERABILITY

(A) In the event any section or provision of this chapter shall be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of this chapter as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.

#### 122.13 SHORT-TERM RENTAL PENALTY

(A) Whoever violates any provision of this Chapter shall be guilty of an unclassified misdemeanor and shall be fined not more than \$250.00. Upon subsequent convictions, the penalty shall be an unclassified misdemeanor but the guilty party shall be fined not more than \$1,000.00, in addition to any other penalties as imposed by this chapter.



City Council Meeting: September 24, 2019

Santa Monica, California

ORDINANCE NUMBER 2616 (CCS)

(City Council Series)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
SANTA MONICA AMENDING AND REVISING CHAPTER 6.20 OF THE  
SANTA MONICA MUNICIPAL CODE TO STRENGTHEN REGULATION OF  
HOME-SHARING AND VACATION RENTALS

WHEREAS, a central and significant goal for the City is preservation of its housing stock and preserving the quality and character of residential neighborhoods; and

WHEREAS, Santa Monica places a high value on cohesive and active residential neighborhoods and the diverse population that resides therein; and

WHEREAS, the City must preserve its available housing stock and the character and charm that result, in part, from cultural, ethnic, and economic diversity of its resident population, as a key factor in economic growth; and

WHEREAS, Santa Monica's natural beauty, its charming residential communities, its vibrant commercial quarters and its world-class amenities have drawn visitors from around the United States and around the world; and

WHEREAS, there is within the City a diverse array of short-term rentals for visitors, including, hotels, motels, bed and breakfasts, vacation rentals and home sharing, not all of which are lawful; and

WHEREAS, operations of vacation rentals, where residents rent entire units to visitors and are not present during the visitors' stays, frequently disrupt the quietude and residential character of the neighborhoods and adversely impact the community; and

WHEREAS, home-sharing does not create the same adverse impacts as unsupervised vacation rentals when the home-shares are hosted by the owner or a long-term resident who lives on site and is present to introduce guests to the City's neighborhoods and regulate guests' behavior; and

WHEREAS, while the City recognizes that home-sharing activities can be conducted in harmony with surrounding uses, those activities must be regulated to ensure that the home-sharing activities do not threaten or harm the public health, safety, or general welfare; and

WHEREAS, on May 12, 2015, the City Council adopted Ordinance Number 2484, which added Chapter 6.20 to the Santa Monica Municipal Code and thereby preserved the City's prohibition on vacation rentals, but authorized "home-sharing," whereby residents host visitors in their homes for short periods of stay, for compensation, while the resident host remains present throughout the visitors' stay; and

WHEREAS, on January 24, 2017, the City Council adopted Ordinance Number 2535CCS, which amended Chapter 6.20 to clarify its application to hosting platforms; and

WHEREAS, on June 27, 2017, the City Council adopted Ordinance Number 2547CCS, which further amended Chapter 6.20 to address the use of accessory dwelling units that received their building permits after March 31, 2017 as home-shares; and

WHEREAS, in the time since Chapter 6.20 was first added, the City has issued over 450 business licenses authorizing home-sharing; and

WHEREAS, the City is investigating approximately 30% of the licensed home-share hosts as operating vacation rental businesses under the guise of home-sharing; and

WHEREAS, the City strives to strike a balance between preserving the City's available housing stock, protecting the residential character of neighborhoods, and preventing home-shares from turning into de facto hostels and hotels, while at the same time permitting owners and long-term residents to host guests as part of a home-share; and;

WHEREAS, the costs of regulating and enforcing the requirements of the home-sharing program are significant and should be borne, at least in part, by those benefitting from their participation in the home-sharing program; and

WHEREAS, the City Council now wishes to amend Chapter 6.20 to clarify existing regulations and to implement various public health, safety, and general welfare regulations governing home-sharing.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTA MONICA  
DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Santa Monica Municipal Code Chapter 6.20 is hereby amended to  
read as follows:

**6.20.010 Definitions.**

For purposes of this Chapter, the following words or phrases shall have the following  
meanings:

(a) **Bedroom.** Any habitable space in a dwelling unit other than a kitchen or  
living room that is intended for or capable of being used for sleeping, is at least 70 square  
feet in area, is separated from other rooms by a door, and is accessible to a bathroom  
without crossing another bedroom.

(b) **Booking Transaction.** Any reservation or payment service provided by a  
person who facilitates a home-sharing or vacation rental transaction between a  
prospective visitor and a host.

(c) **Dwelling Unit.** One or more rooms designed, occupied, or intended for  
occupancy as separate living quarters, with full cooking, sleeping, and bathroom facilities  
for the exclusive use of a single household. A dwelling unit includes a single-family  
residence, and each unit of an apartment, duplex, or multiple dwelling structure designed  
as a separate habitation for one or more persons, but does not include units located within  
City-approved hotels, motels, and bed and breakfasts, as defined in section  
9.51.030(B)(15). An accessory dwelling unit, as defined by section 9.31.300, that  
received its building permit on or after March 31, 2017, constitutes a separate dwelling  
unit for the purpose of this Chapter.



(d) **Eligible Resident.** Any natural person who (1) is either (i) a long-term resident of a dwelling unit or (ii) an owner of a dwelling unit and (2) uses that dwelling unit as his or her primary residence.

(e) **Home-Sharing.** Renting for a period of 30 consecutive days or less, one or more bedrooms in a dwelling unit that is the primary residence of the host, while the host lives on-site, in the dwelling unit, throughout the visitors' stay. A dwelling unit rented out for home-sharing is referred to as a "home-share."

(f) **Host.** Any natural person who is an eligible resident of a dwelling unit offered for use as a home-share.

(g) **Hosting Platform.** A person who participates in the home-sharing or vacation rental business by collecting or receiving a fee, directly or indirectly through an agent or intermediary, for conducting a booking transaction using any medium of facilitation.

(h) **Lives On Site.** Maintains a physical presence in the dwelling unit, including, but not limited to, sleeping overnight, preparing and eating meals, and engaging in other activities in the dwelling unit, of the type typically maintained by a natural person in the dwelling unit in which he or she is an eligible resident.

(i) **Long-Term Resident.** Any natural person who, as of the date a home-share application is submitted pursuant to Section 6.20.021: (1) has occupied the dwelling unit that is the subject of the home-share application as his or her primary residence for at least the prior 12 months; and (2) has either (i) if the natural person is a tenant, subtenant, lessee, or sublessee, a written rental housing agreement for the dwelling unit for a period of 12 months or more after the date the home-share application is submitted

or (ii) if the natural person is not a tenant, subtenant, lessee, or sublessee, written documentation establishing that the natural person will reside at the dwelling unit for a period of 12 months or more after the date the home-share application is submitted.

(j) **Owner.** Any person who, alone or with others, has legal or equitable title to a dwelling unit. A person whose interest in a dwelling unit is solely that of a tenant, subtenant, lessee, or sublessee under an oral or written rental housing agreement shall not be considered an owner.

(k) **Person.** Any natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business trust, or organization of any kind.

(l) **Primary Residence.** The usual place of return for housing of an owner or long-term resident as documented by at least two of the following: motor vehicle registration, driver's license, California state identification card, voter registration, income tax return, property tax bill, or a utility bill. A person can only have one primary residence.

(m) **Vacation Rental.** Renting for a period of 30 consecutive days or less any dwelling unit, in whole or in part, for exclusive transient use. Exclusive transient use shall mean that no eligible resident of the dwelling unit lives on-site, in the dwelling unit, throughout any visitor's stay. Rentals of units located within City-approved hotels, motels, and bed and breakfasts shall not be considered vacation rentals.

(n) **Visitor.** A natural person who rents a home-share or vacation rental.

**6.20.020 Home-sharing authorization.**

(a) Notwithstanding any provision of this Code to the contrary, home-sharing shall be authorized in the City, provided that the host complies with each of the following requirements:

(1) Obtains and maintains at all times a City home-sharing permit issued pursuant to this Chapter and a business license issued pursuant to Chapter 6.04.

(2) Operates the home-sharing activity in compliance with all permit conditions for home-sharing as set forth in Section 6.20.021 and any regulations promulgated pursuant to this Chapter.

(3) Collects and remits Transient Occupancy Tax ("TOT"), in coordination with any hosting platform if utilized, to the City and complies with all City TOT requirements as set forth in Chapter 6.68 of this Code.

(4) Takes responsibility for and actively prevents any nuisance activities that may take place as a result of home-sharing activities.

(5) Ensures that basic health and safety features are provided, including fire extinguishers, smoke detectors, and carbon monoxide detectors.

(6) Does not book or rent to more than two groups of visitors for any given date, whether the visitors within the groups are related to one another or not.

(7) Limits the occupancy of the home-share (including the host, all other eligible residents, and all visitors) to the lesser of (i) 10 persons; (ii) one person per 200 square feet of the dwelling unit; or (iii) two persons (excluding minor children) per bedroom.

(8) Limits visitors to (i) no more than one vehicle per bedroom rented as part of the home-share or (ii) if the home-share is located in a preferential parking zone, no more than two vehicles that shall be required to use the visitor permits available under Chapter 3.08 of this Code. A visitor's vehicle may be parked on site, to the extent available, or in legal street parking.

(9) Maintains liability insurance to cover home-sharing with minimum limits of not less than \$500,000 or conducts each home-sharing transaction through a hosting platform that provides equal or greater coverage.

(10) Complies with Section 6.20.022 governing advertisements of home-shares.

(11) Complies with all applicable laws, including the noise limitations set forth in Chapter 4.12 of this Code, and all health, safety, building, fire protection, and rent control laws.

(12) Complies with all regulations promulgated pursuant to this Chapter.

(b) All hosts and their respective properties, authorized by the City for home-sharing purposes pursuant to this Section, shall be listed on a registry created by the City and updated periodically by the City. The City shall publish the registry, and a copy shall be sent electronically to any person upon request.

(c) If any provision of this Chapter conflicts with any provision of the Zoning Ordinance codified in Article IX of this Code, the terms of this Chapter shall prevail with respect to interpretation and enforcement of this Chapter.

**6.20.021 Home-sharing permit conditions.**

(a) **Application required.** To obtain a home-sharing permit for a dwelling unit, a host shall submit an application on a form to be provided by the City and signed by the host under penalty of perjury. The application for the home-sharing permit shall include the following information:

- (1) Address of the proposed home-share;
- (2) Type of dwelling unit;
- (3) Whether the applicant is an owner or long-term resident;
- (4) If applicable, proof that the applicant is a long-term resident;
- (5) Proof that the proposed home-share is the primary residence of the applicant;
- (6) The name and contact information for any other eligible residents of the proposed home-share who will be serving as hosts, together with proof that each identified host is an eligible resident of the proposed home-share;
- (7) The square footage of the proposed home-share;
- (8) The number of bedrooms in the proposed home-share;
- (9) The maximum number of visitors per night, which shall not exceed the maximum permitted in accordance with Section 6.20.020(a)(6);
- (10) Proof of insurance;
- (11) Certification that the host will comply with all provisions of this Chapter and all regulations promulgated pursuant to this Chapter or be subject to the revocation of his or her home-sharing permit and business license; and

(12) Any other information required by regulations promulgated pursuant to this Chapter.

(b) **Application Fee.** The initial application and each renewal application for a home-sharing permit shall be accompanied by an application fee to be established by resolution by the City Council.

(c) **Duty to Amend Application.** If there are any material changes to the information submitted on a home-sharing permit application, the host shall submit an amended application on a form to be provided by the City and signed by the host under penalty of perjury within 30 days of any such changes. For the purposes of this Section, any change to the information required to be included in a home-sharing permit application by subsection (a) of this Section shall constitute a material change. Failure to submit an amended home-sharing permit application may result in revocation of the home-sharing permit and business license.

(e) **Term of Permit.** Notwithstanding any provision of this Code to the contrary, any home-sharing permit shall be effective for same period as the term of the host's business license.

(f) **Renewal of Permit.** A host may renew his or her home-sharing permit by submitting a completed permit renewal application on a form to be provided by the City and signed by the host under penalty of perjury. The permit renewal application shall include all of the information required by subsection (a) of this Section.

(g) **No Transfer or Assignment.** A home-sharing permit may not be assigned or transferred to any other person.



**6.20.022 Advertisements for home-sharing.**

(a) The host shall include the following information in any advertisement for home-sharing:

- (1) The business license number issued by the City;
- (2) That the host lives on site and will be present in the home-share throughout the visitor's stay;
- (3) The permitted occupancy of the home-share as specified in the home-sharing permit application;
- (4) The permitted number of visitor vehicles, in accordance with Section 6.20.020(a)(8);
- (5) That the home-share cannot be booked or rented to more than two groups of visitors for any given date, whether the visitors within the groups are related to one another or not; and
- (6) Any other information required by regulations promulgated pursuant to this Chapter.

(b) A host is limited to posting no more than two listings for the home-share on each hosting platform or other media outlet. If a host posts a listing for the home-share on multiple hosting platforms or other media outlets, only two listings may be booked for any given date.

(c) No advertisements regarding the availability of a dwelling unit for home-sharing shall be posted in or on any exterior area of the dwelling unit, any exterior area of any other dwelling unit on the same lot, or the lot on which the dwelling unit is located.

**6.20.030 Prohibitions.**

(a) No person shall undertake, maintain, authorize, aid, facilitate or advertise any vacation rental or any home-sharing that does not comply with this Chapter. For the purposes of this section only, person does not include a hosting platform.

(b) No host may be the host for more than one home-share.

**6.20.050 Hosting platform responsibilities.**

(a) Hosting platforms shall be responsible for collecting all applicable TOTs and remitting the same to the City. The hosting platform shall be considered an agent of the host for purposes of TOT collections and remittance responsibilities as set forth in Chapter 6.68 of this Code.

(b) Subject to applicable laws, hosting platforms shall disclose to the City on a regular basis each home-sharing and vacation rental listing located in the City, the names of the persons responsible for each such listing, the address of each such listing, the length of stay for each such listing and the price paid for each stay.

(c) Hosting platforms shall not complete any booking transaction for any residential property or unit unless it is listed on the City's registry created under Section 6.20.020 subsection (b), at the time the hosting platform receives a fee for the booking transaction.

(d) Hosting platforms shall not collect or receive a fee, directly or indirectly through an agent or intermediary, for facilitating or providing services ancillary to a vacation rental or unregistered home-share, including, but not limited to, insurance, concierge services, catering, restaurant bookings, tours, guide services, entertainment, cleaning, property management, or maintenance of the residential property or unit.

(e) **Safe Harbor.** A hosting platform operating exclusively on the Internet, which operates in compliance with subsections (a), (b), (c), and (d) above, shall be presumed to be in compliance with this Chapter, except that the hosting platform remains responsible for compliance with the administrative subpoena provisions of this Chapter.

(f) The provisions of this Section shall be interpreted in accordance with otherwise applicable State and Federal law(s) and will not apply if determined by the City to be in violation of, or preempted by, any such law(s).

#### **6.20.080 Regulations.**

The City Manager or designee may promulgate regulations, which may include, but are not limited to, permit conditions, reporting requirements, inspection frequencies, enforcement procedures, additional advertising restrictions, disclosure requirements, administrative subpoena procedures or additional insurance requirements, to implement the provisions of this Chapter. No person shall fail to comply with any such regulation.

#### **6.20.090 Fees.**

The City Council may establish and amend by resolution all fees and charges as may be necessary to effectuate the purpose of this Chapter, including, but not limited to, the application fee required by Section 6.20.021.

#### **6.20.100 Enforcement.**

(a) Any host violating any provision of this Chapter, any person other than a hosting platform who facilitates or attempts to facilitate a violation of this Chapter, or a hosting platform that violates its obligations under Section 6.20.050, shall be guilty of an infraction, which shall be punishable by a fine not exceeding \$750, or a misdemeanor,

which shall be punishable by a fine not exceeding \$1,000, or by imprisonment in the County Jail for a period not exceeding six months or by both such fine and imprisonment.

(b) Any person convicted of violating any provision of this Chapter in a criminal case or found to be in violation of this Chapter in a civil or administrative case brought by a law enforcement agency shall be ordered to reimburse the City and other participating law enforcement agencies their full investigative costs, pay all back TOTs, and remit all illegally obtained rental revenue to the City so that it may be returned to the home-sharing visitors or used to compensate victims of illegal short-term rental activities.

(c) Any host who violates any provision of this Chapter, any person other than a hosting platform who facilitates or attempts to facilitate a violation of this Chapter, or a hosting platform that violates its obligations under Section 6.20.050, shall be subject to administrative fines and administrative penalties pursuant to Chapters 1.09 and 1.10 of this Code.

(d) Any interested person may seek an injunction or other relief to prevent or remedy violations of this Chapter. The prevailing party in such an action shall be entitled to recover reasonable costs and attorney's fees.

(e) The City may issue and serve administrative subpoenas as necessary to obtain specific information regarding home-sharing and vacation rental listings located in the City, including, but not limited to, the names of the persons responsible for each such listing, the address of each such listing, the length of stay for each such listing and the price paid for each stay, to determine whether the home-sharing and vacation rental listings comply with this Chapter. Any subpoena issued pursuant to this section shall not require the production of information sooner than 30 days from the date of service. A

person that has been served with an administrative subpoena may seek judicial review during that 30 day period.

(f) The remedies provided in this Section are not exclusive, and nothing in this Section shall preclude the use or application of any other remedies, penalties or procedures established by law.

SECTION 2. Any provision of the Santa Monica Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

SECTION 3. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 4. The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in the official newspaper within 15 days after its adoption. This Ordinance

shall become effective 30 days from its adoption, and shall apply to all home-shares, including those operating under business licenses obtained prior to the effective date of this Ordinance.

APPROVED AS TO FORM:

DocuSigned by:



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LANE DILG  
City Attorney



**RECORD OF ORDINANCES  
CITY OF UPPER ARLINGTON  
STATE OF OHIO**

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**ORDINANCE 38-2018**

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**TO AMEND ARTICLE 11, UNIFIED DEVELOPMENT ORDINANCE (U.D.O.), OF THE UPPER ARLINGTON CODIFIED ORDINANCES, BY AMENDING U.D.O. SECTION 5.02, RESIDENTIAL DISTRICTS; U.D.O. TABLE 5-A, RESIDENTIAL USES; AND U.D.O. SECTION 6.10, CONDITIONAL USES.**

**WHEREAS,** staff proposed various amendments to the Unified Development Ordinance (U.D.O.), including amendments related to short term rentals in residential districts and the uses of apartment hotels, bed and breakfasts, and hotels and motels in single family residential districts, which were presented to Council in Ordinance 32-2018 on April 2, 2018 and April 9, 2018; and

**WHEREAS,** the sections related to short term rentals, apartment hotels, bed and breakfasts, and motels and hotels in single family residential districts have been removed from Ordinance 32-2018 and incorporated into this Ordinance; and

**WHEREAS,** the City has a legitimate interest in preserving its residential neighborhoods, and the proliferation of short-term rentals of residential properties threatens the health, safety, peace and tranquility of those neighborhoods by introducing transient guests into residential areas, leading to increased noise, traffic, and occupancy of residences without sufficient owner supervision and City oversight; and

**WHEREAS,** the City wishes to prohibit short term rentals, apartment hotels, bed and breakfasts, and hotels and motels in single family residential districts for a period of one year in order to prevent further proliferation of these uses in single family residential neighborhoods while also taking time to ensure it regulates these uses in a reasonable, practical manner to protect existing single family residential neighborhoods and the rights of property owners.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Upper Arlington, Ohio:

**SECTION 1:** That Council hereby waives the requirement of Section 731.19 of the Ohio Revised Code that this Ordinance contain the entire section of the Unified Development Ordinance that is being amended.

**SECTION 2:** That U.D.O. § 5.02 (B), Article 11 of the Upper Arlington Codified ordinances, shall hereby be amended to read as follows:

(B) *Permitted, prohibited, accessory, and conditional uses:* Permitted, prohibited, accessory, and conditional uses for each of the residential use districts are listed in Table 5-A, Residential Uses and Table 5-B, Home Occupational Uses. No residence or portion thereof may be rented out to any tenant(s) for a period of less than 30 days.

**SECTION 3:** That the Residential Uses use "Apartment hotels," "Bed & Breakfast Homestay," and "Hotels and Motels," contained in U.D.O. Article 5, Table 5-A: Residential Uses, Article 11 of the Upper Arlington Codified Ordinances, shall hereby be amended to read as follows:

**Table 5-A: Residential Uses**

	R-S	R-1	R-2	R-3	RCD
Apartment Hotels	Pr	Pr	Pr	Pr	G
Bed & Breakfast Homestay	G	G	G	G	G
Hotels and Motels	G-Pr	G-Pr	G-Pr	G-Pr	C

**SECTION 4:** That U.D.O. § 6.10 (C)(2), Article 11 of the Upper Arlington Codified ordinances, shall hereby be amended to read, as follows:

(2) ~~Bed and breakfast inn:~~ RESERVED

(a) ~~Purpose:~~ The use shall be for the purpose of providing only overnight accommodation and breakfast in up to five (5) guest rooms.

(b) ~~Standards:~~

i. ~~Facilities shall be compatible with surrounding area and with sufficient site area to accommodate existing and future needs.~~

- ~~ii. For parking, setbacks shall be no more than ten (10) feet from any rear or side yard lot line.~~
- ~~iii. One (1) outdoor advertising sign up to four (4) square feet in area may be used at the bed and breakfast facility. The sign may be a wall, ground or post/hanging sign. The post/hanging sign shall not exceed six (6) feet in height. No other signage may be permitted.~~
- ~~iv. Accessory buildings and detached garages used by one (1) or more of the allowed guests shall not contain cooking facilities.~~
- ~~v. Parking shall be screened by a solid wood fence, masonry wall or hedge at least six (6) feet high along the property line adjacent to a residential property. No bed and breakfast shall be located within four hundred (400) feet of another bed and breakfast facility unless waived by BZAP.~~
- ~~vi. A minimum of one (1) parking space shall be provided for each guest unit. Two (2) additional spaces shall be provided for the owner operator in addition to those for the guest units. Driveways may be used as off-street parking areas except for that portion of a driveway located between the property line and the curb.~~
- ~~vii. Breakfast shall be served on the premises only for the guests of the facility, and no other meals shall be provided. "Restaurants" as defined in Article 2 included in bed and breakfast inns shall be subject to the approval of BZAP.~~
- ~~viii. The owner shall maintain a record of the stays of all guests. The same guest or group of registrants shall not stay at the facility for a period of more than seven (7) consecutive days or more than fourteen (14) total days within a given calendar year.~~
- ~~ix. The operator of the bed and breakfast facility must be the owner of record and hold no less than fifty percent (50%) interest in the property. The owner must occupy the property.~~

**SECTION 5:**

That if any provision or section of this Ordinance, or the application thereof, is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance, which can be given effect without the invalid provisions or applications, and to this end the provisions and sections of this Ordinance are hereby declared severable.

**SECTION 6:**

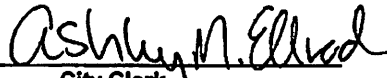
That the City Manager, Finance Director, and the City Attorney are hereby authorized to take all actions necessary to implement and administer this Ordinance.

- SECTION 7:** That this Ordinance is enacted pursuant to the home rule powers of the City of Upper Arlington as set forth at Article XVIII, Section 3, of the Ohio Constitution.
- SECTION 8:** That this Ordinance shall take effect at the earliest date allowed by law.
- SECTION 9:** That the provisions of this Ordinance shall automatically expire on the date one year after the effective date of this Ordinance absent further legislative action by City Council.

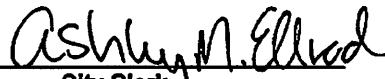
**PASSED: April 23, 2018**

  
\_\_\_\_\_  
**President of Council**

**ATTEST:**

  
\_\_\_\_\_  
**City Clerk**

I, Ashley Ellrod, City Clerk of Upper Arlington, Ohio, do hereby certify that the above is a true and correct copy.

  
\_\_\_\_\_  
**City Clerk**

**CERTIFICATE OF POSTING**

I, Ashley Ellrod, City Clerk of the City of Upper Arlington, Ohio, do hereby certify that publication of the foregoing was made by posting a true copy of Ordinance No. 38-2018 at the most public place in said corporation as determined by the Council, the Municipal Building, 3600 Tremont Road, for a period of ten (10) days commencing April 24, 2018.

**ORDINANCE NO. 2020- \_\_\_\_\_**

**AN ORDINANCE OF THE TOWNSHIP OF TOBYHANNA, COUNTY OF MONROE, COMMONWEALTH OF PENNSYLVANIA, RELATING TO THE USE AND REGULATION OF SHORT-TERM RENTAL UNITS WITHIN THE TOWNSHIP AND ESTABLISHING APPLICATION AND PERMIT STANDARDS AND PROCEDURES, PROVIDING FOR ADMINISTRATION AND ENFORCEMENT INCLUDING PENALTIES, AND OTHER MATTERS PERTAINING THERETO.**

**Section 1 - Title**

This Chapter shall be known as and may be cited as "The Tobyhanna Township Short-Term Rental Ordinance."

**Section 2 - Scope**

- A. The provisions of this Chapter shall apply to all residential dwelling units, conversions of non-residential structures to residential dwellings, and all existing premises within the Township of Tobyhanna. The owner of the subject property shall be responsible for compliance with the provisions of this Chapter and the failure of an owner, agency, managing agency, local contact person, or renting occupants to comply with the provisions of this Chapter shall be deemed noncompliance by the owner.
- B. This Chapter shall not apply to a resort, camp, hotel/motel/inn, bed and breakfast, or boarding- or rooming house, as defined within the Zoning Ordinance.
- C. The Township Supervisors, under the authority granted by Section 1506 - General Powers, Section 1517 - Building and Housing Regulations, Section 1527 - Public Safety, and Section 1529 - Nuisances, of the Pennsylvania Second Class Township Code, Act of May 3, 2016, 1933 (P.L. 103, No. 69), reenacted and amended July 10, 1947 (P.L. 1481, No. 567), as amended, hereby adopt the following rules and regulations governing Short-Term Rentals within the boundaries of the municipality.

**Section 3 - Interpretation**

This Chapter is not intended to, and does not, excuse any landowner from compliance with the Tobyhanna Township Zoning Ordinance, as amended from time to time. Whenever possible, this Chapter and the Zoning Ordinance should be construed and interpreted as being consistent, and not in conflict.

This Chapter is not intended to, and does not supersede the declarations or covenants in a planned community where a short-term rental may be located.

#### **Section 4 - Definitions**

For the purposes of this Chapter, words and terms used herein shall be interpreted as follows:

~~ANNUAL TERM – November 1<sup>st</sup> to October 31<sup>st</sup> of the following year.~~

**BEDROOM** - A room or space designed to be used for sleeping purposes with two means of egress and in close proximity to a bathroom. Space used for eating, cooking, bathrooms, toilet rooms, closets, halls, storage or utility rooms and similar uses are not considered Bedrooms. Space used or intended for general and informal everyday use such as a living room, den, and sitting room or similar is not to be considered a Bedroom.

**DAY GUEST** - A visitor to the Short-Term Rental property who is neither an overnight guest, person in charge, or owner of the property on which the short-term rental is located.

**DWELLING UNIT** - A building or portion thereof providing complete housekeeping facilities for one family or a group of unrelated persons using such facilities in common.

**OVERNIGHT GUEST** - Any individual lodging overnight at a Short-Term Rental for a period of thirty (30) days or less.

**PERSON(S) IN CHARGE** – Person(s) or agent(s) with actual authority to represent the owner for purposes of emergency and non-emergency contact and communication regarding the owner's Short-Term Rental. A Person in Charge must provide a 24-hour emergency contact number, be able and willing to come to the Short-Term Rental within two (2) hours following notification to address any issue that is not capable of being addressed by telephone, and be able to act as legal agent for the owner. The Person in Charge may be the owner of the Short-Term Rental. The Township shall be notified, in writing, prior to a change in the identity of the Person in Charge. The owner of a Short-Term Rental may designate more than one Person in Charge.

**SHORT-TERM RENTAL** - Any Dwelling Unit utilized as a single-family residence rented for the purpose of overnight lodging for a period of thirty (30) days or less, and which meets the definition of "Hotel" for the purpose of imposing an excise tax by the County of Monroe as defined in the County of Monroe Ordinance No. 2004-03, as amended.

**SHORT-TERM RENTAL PERMIT** - Permission granted by the Township to utilize a Dwelling Unit for Short-Term Rental Use.

#### **Section 5 - Permit Required**

- A. No owner of any property in Tobyhanna Township shall operate a Short-Term Rental in Tobyhanna Township without first obtaining a Short-Term Rental Permit from the Zoning Officer. Operation of a Short-Term Rental without such Short-Term Rental Permit is a violation of this Chapter. Permits may be transferable to any new owner of the property



provided an application with updated contact information is submitted to the Township and all prior violations of this chapter have been remedied.

- B. The issuance of a Short-Term Rental Permit is not a warranty that the premises is lawful, safe, habitable, or in compliance with this Chapter.

#### **Section 6 – Claim of Contract Impairment**

It is not the intent of this ordinance to impair any existing contracts, leases, or reservations that are evidenced by writing. An owner who asserts the enacted ordinance impairs a short-term rental contract in effect on or before the adoption date of this ordinance shall submit the contract, lease or reservation, evidenced in writing, to the Enforcement Officer for review and consideration.

#### **Section 7 - Permit Requirements**

- A. Short-Term Rental Permit applications shall contain all of the following information:

1. The name, address, telephone number and email address of the owner.
2. The name, address and 24-hour telephone number of all Persons in Charge.
3. Floor plan identifying rooms on all floors, specific location of bedrooms, and location of any pools labeled as either in-ground or above-ground.
4. The total number of bedrooms.
5. If the building is a multi-unit structure, the total number of dwelling units in the structure and the number of dwelling units being used as Short-Term Rentals.
6. A diagram or aerial photograph showing the location and number of on-site parking spaces.
7. If not on a central sewer system, a septic system evaluation certifying the existing system is functioning as intended and proof the tank was pumped within the past three (3) years for approval by the Sewage Enforcement Officer.
8. If on a central sewer system, a “will serve” letter from the owner of the system certifying that sufficient capacity is present for use of the property as a Short-Term Rental.
9. Copy of current Monroe County Hotel Room Excise Tax Certificate.
10. Copy of current Pennsylvania Sales and Use Tax Permit or signed attestation that a third party collects this on behalf of the Short-Term Rental owner.
11. Signatures of the owner and any Persons in Charge.

12. By signing the Short-Term Rental application, the owner gives authorization to the Enforcement Office to enter onto the property to inspect and ensure compliance with the Short-Term Rental Ordinance.
13. Written notice to the homeowners' association, indicating the intent to make application for and use the subject residential property for a Short-Term Rental, when applicable.

B. A Short-Term Rental Permit shall be issued only to the owner of the Short-Term Rental property.

1. A separate Short-Term Rental Permit is required for each Dwelling Unit; for Two-Family or Multi-Family Dwellings, a separate Permit shall be required for each Dwelling Unit being rented as a Short-Term Rental.
2. A Short-Term Rental Permit is effective for a period of one (1) ~~annual term~~ calendar year, or until any of the conditions of the Short-Term Rental which are governed by this Chapter are changed, whichever shall first occur. Short-Term Rental permits may be applied for up to ~~ninety-sixty (9060)~~ days before the ~~start of the annual term~~ expiration of a Short-Term Rental Permit.
3. A Short-Term Permit must be renewed annually and also when any of the conditions of the Short-Term Rental which are governed by this Chapter are changed. Renewal of a Short-Term Rental permit may be applied for up to ~~ninety-sixty (9060)~~ days before the ~~start of the annual term~~ expiration of a Short-Term Rental Permit.
4. The Township will prescribe forms and procedures for the processing of Permit Applications under this Ordinance.

#### **Section 8 - Short-Term Rental Standards**

- A. Overnight guests of a Short-Term Rental shall be limited to two per bedroom plus four.
- B. The maximum number of day guests allowed at any one time, in addition to the overnight guests, shall be seventy-five percent (75%) of the maximum overnight occupancy of the Short-Term Rental rounded up.
- C. The number of bedrooms permitted for a Short-Term Rental shall not exceed the number of bedrooms approved for the Dwelling Unit on the sewage permit issued for such property. Where there is no sewage permit on record, the Short-Term Rental shall be limited to three (3) bedrooms unless proof is provided to the Sewage Enforcement Officer that the septic system is adequate to handle additional flows. Any Short-Term Rental advertising more than five (5) bedrooms shall provide proof that the septic system is adequate to handle such flows by having the system approved by the Sewage Enforcement Officer, or by providing a septic permit previously issued by a Sewage Enforcement Officer. If a sewage system malfunction occurs, Short-Term Rental of the Dwelling Unit shall be discontinued until the malfunction is

corrected in accordance with Township and Pennsylvania Department of Environmental Protection requirements.

- D. Outdoor parking for overnight and day guests shall be limited to available parking areas on the Short-Term Rental property. In no event shall parking for Short-Term Rental guests include spaces in any private, community, or public street right-of-way or on any lawns or vegetated areas.
- E. Neither Short-Term Rental occupants nor guests shall engage in disorderly conduct or disturb the peace and quiet of any nearby neighborhood or person by loud, unusual or excessive noise, by tumultuous or offensive conduct, public indecency, threatening, traducing, quarreling, challenging to fight, or fighting, or creating a dangerous or physically offensive condition.
- F. The owner and/or Person in Charge shall use best efforts to assure that the occupants or guests of the Short-Term Rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or otherwise violate provisions of the Tobyhanna Township Code or any state law pertaining to noise or disorderly conduct including, but not limited to, notifying the occupants of the rules regarding Short-Term Rentals and responding when notified that occupants are violating laws, ordinances or regulations regarding their occupancy.
- G. The owner and/or Person in Charge shall, upon notification that occupants or guests of the Short-Term Rental have created unreasonable noise or disturbances, engaged in disorderly conduct or otherwise violated provisions of the Tobyhanna Township Code or state law pertaining to noise or disorderly conduct, promptly use best efforts to prevent a recurrence of such conduct by those occupants or guests.
- H. Overnight occupancy of recreational vehicles, camper trailers and tents at the property where the Short-Term Rental is located shall not be allowed. Outdoor overnight sleeping of occupants or guests of the Short-Term Rental is prohibited.
- I. A Short-Term Rental shall not have any outside appearance indicating a change of use from the surrounding residential uses.
- J. Fireworks and floating lanterns are prohibited.
- K. Subleasing all or a portion of the dwelling unit is prohibited.
- L. All Short-Term Rentals shall have a clearly visible and legible notice posted within the dwelling unit containing the following information:
  - 1. The name of the owner of the unit or the Person in Charge and a telephone number at which that party can be reached on a 24-hour basis.
  - 2. The E-911 address of the property.
  - 3. The maximum number of occupants permitted to stay in the dwelling unit and the

maximum number of day guests permitted at any one time.

4. The maximum number of all vehicles allowed to be on the property and the requirement that all guest parking must be in the available parking areas on the property and not in or along any private, community or public street right-of-way or on any lawn or vegetated area on the property.

4.5. The trash pick-up day and notification that trash and refuse shall not be left or stored outside of designated receptacles on the exterior of the property.

5.6. Notification that an occupant or guest may be cited and fined for creating a disturbance or for violating other provisions of the Tobyhanna Township Code, including parking and occupancy limits.

6.7. Notification that Short-Term Rental occupants and guests are required to make the property available for inspection by the Enforcement Officer upon request.

8. A full copy of The Tobyhanna Township Short-Term Rental Ordinance.

7.9. A copy of the Tobyhanna Township Short-Term Rental Permit

M. Compliance with the requirements of this section shall be considered conditions of a Short-Term Rental Permit, the violation of which may result in a revocation of that permit by the Enforcement Officer.

#### **Section 9 - Fees, Term and Renewal**

A. Short-Term Rental fees, payable to Tobyhanna Township upon the filing of a Short-Term Rental Permit application, shall be in such amount as may be established by resolution duly adopted by the Board of Supervisors.

B. Any Short-Term Rental Permit is good for a period not to exceed one (1) ~~Annual Term~~ calendar year and must be renewed annually. Short-Term Rental Permit renewal fees, payable to Tobyhanna Township upon the filing of a Short-Term Rental Permit renewal application, shall be in such amount as may be established by resolution duly adopted by the Board of Supervisors.

C. Short-Term Rental Permit renewal applications shall contain information regarding any changes from the immediately preceding application with respect to matters governed by this Ordinance.

D. Verification that all owed hotel taxes have been paid shall be submitted in the form of the four most recent Monroe County Hotel Excise Tax Quarterly Reports.

#### **Section 10 - Enforcement Officer**

The Tobyhanna Township Zoning Officer and any appointed Assistant Zoning Officers are hereby appointed as the Enforcement Officers for purposes of enforcement of this article. The Zoning Officer shall have the responsibility and authority to administer and enforce all provisions of this Chapter.

### **Section 11 – Inspections Required**

- A. All Short-Term Rentals shall be subject to inspections by the Enforcement Officer to verify application information, Permit, Permit renewal and/or operating requirements.
- B. The issuance of a Short-Term Rental Permit is not a warranty that the premises is lawful, safe, habitable, or in compliance with this Chapter.
- C. In matters where the nature of an alleged violation is such that an inspection of the interior of a building or structure is necessitated, prior arrangements must be made with the owner or Person in Charge to secure access thereof.

The Tobyhanna Township Zoning Officer and any appointed Assistant Zoning Officers are hereby appointed as the Enforcement Officers for purposes of enforcement of this article. The Zoning Officer shall have the responsibility and authority to administer and enforce all provisions of this Chapter.

### **Section 12 - Marketing**

The marketing of a Short-Term Rental in which the advertised occupancy exceeds the maximum occupancy requirements permitted by this Chapter, or which promotes any other activity which is prohibited by this Chapter, shall be a violation of this Chapter.

### **Section 13 - Notice of Violation**

If it appears to an Enforcement Officer that a violation of this Chapter exists or has occurred, the Enforcement Officer shall send a written Notice of Violation to the owner by personal delivery or by both United States first class and certified mail. The Enforcement Notice shall identify the premises which is the subject of the violation, enumerate the conditions which constitute the violation, cite the specific sections of this Chapter which are violated, indicate the action required to correct the violation, and provide a time-frame (established by the Enforcement Officer based upon the nature of the violation) to correct the violation.

### **Section 14 - Nuisance**

In the interest of promoting the public health, safety and welfare, and minimizing the burden on Township and community services and impacts on residential neighborhoods posed by Short-Term Rentals, a violation of any of the provisions of this Chapter is declared to be a public

nuisance.

### **Section 15 - Violations and Penalties**

- A. If there is reason to believe that any provision of this Chapter is being violated, the Board of Supervisors may or may cause, through an Enforcement Officer or authorized representative of the Township, entry onto property for the purpose of inspection of any and all premises, properties, buildings and/or structures located within the Township for ascertaining the existence of violations.
- B. This Chapter shall be enforced by action brought before a Magisterial District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person, partnership, corporation or other entity who or which violates or permits a violation of the provisions of this Chapter shall, upon conviction in a summary proceeding, pay a fine of not less than \$100 nor more than \$1,000 per violation, plus all court costs and reasonable attorney's fees incurred by Tobyhanna Township in the enforcement proceedings, and/or be imprisoned to the extent allowed by law for the punishment of summary offenses. Each day or portion thereof that a violation exists or continues shall constitute a separate violation. Further, the appropriate officers or agents of Tobyhanna Township are hereby authorized to seek equitable relief, including injunction to enforce compliance with this Chapter. All fines, penalties, costs and reasonable attorney's fees collected for the violation of this Chapter shall be paid to Tobyhanna Township for its general use.
- C. In addition to, but not in limitation of, the provisions of Subsection A and Section 13, the Enforcement Officer may either revoke, or deny an application to renew, a Short-Term Rental Permit for three (3) uncured or repeated violations of this Chapter in any rolling twelve (12) calendar month period. The revocation or denial to renew a Short-Term Rental Permit shall continue for six (6) months for the first set of three (3) uncured or repeated violations, and continue for one (1) year for any subsequent sets of violations.

### **Section 16 - Owners Severally Responsible**

If the premises are owned by more than one owner, each owner shall severally be subject to prosecution for a violation of this Chapter.

### **Section 17 - Appeals**

- A. Appeals of a determination of the Enforcement Officer under this Chapter to deny any application for, or to renew, a Short-Term Rental Permit, or to revoke a Short-Term Rental Permit, shall be filed with the Board of Supervisors within thirty (30) days of the date of the denial of application or revocation of permit. Appeals shall be processed as follows:
  1. All appeals shall be in writing and signed by the Appellant on forms prescribed by the Township, and shall be accompanied by a fee, the amount of which shall be established by resolution duly adopted by the Board of Supervisors, which may include notice and advertising costs, and necessary administrative overhead in relation to the hearing.



2. Each appeal shall fully set forth the determination appealed from, a detailed reason or basis for the appeal, and the relief sought. Every appeal shall refer to the specific provision of circumstances of the case.
- B. Hearings. The Board of Supervisors shall conduct hearings and make decisions pursuant to the Act of December 2, 1968 (P.L. 1133, No. 353), known as the "Local Agency Law," and in accordance with the following requirements:
1. Written notice shall be given to the Appellant, the Enforcement Officer, and to any person who has made timely request for same. Written notices shall be given at such time and in such manner as shall be prescribed by rules of the Board of Supervisors, but not less than fifteen (15) days prior to the hearing.
  2. The hearing shall be held within sixty (60) days from the date the appeal is filed, unless the Appellant has agreed in writing to an extension of time.
  3. The hearings shall be conducted by the Board of Supervisors. The decision or, where no decision is called for, the findings shall be in writing by the Board of Supervisors within forty-five (45) days after the conclusion of the hearing, unless the Appellant has agreed in writing to an extension of time, and shall be communicated to the Appellant and any other parties who have entered their written appearance and requested a copy of the decisions, at the addresses provided by them either by personal delivery or by United States First Class mail postage prepaid.
  4. The Chairman or Acting Chairman of the Board of Supervisors or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by parties.
  5. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
  6. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
  7. The Board of Supervisors ~~may, but is not required to, shall~~ make a stenographic record of the proceedings. ~~In the event a stenographic record of the proceedings is not provided by the Board of Supervisors, a stenographic record shall be made and kept at the request of any party agreeing to pay the costs thereof.~~ Any party or other person desiring a copy of the stenographic record shall order the copy directly from the stenographer who prepared the same and shall pay the cost imposed by the stenographer for the copy directly to the stenographer.
  8. The Board of Supervisors shall not communicate, directly or indirectly, with any party or any party's representatives in connection with any issue involved except upon notice and opportunity for all parties to participate; shall not take notice of any communication,

reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed; and shall not inspect the site or its surroundings after the commencement of hearings with any party or any party's representative unless all parties are given opportunity to be present.

#### **Section 18 - Severability**

If any section, provision, or portion of this Ordinance shall be held invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance so long as it remains legally enforceable minus the invalid portion. The Township reserves the right to amend this Ordinance or any portion thereof from time to time as it shall deem advisable in the best interest of the promotion of the purposes and intent of this Ordinance, and the effective administration thereof.

#### **Section 19 - Repealer**

All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

#### **Section 20 - Effective Date**

This Ordinance shall become effective ~~for the annual term beginning November 1, 2020~~ within five (5) days after enactment.

**Commented [MH1]:** With the understanding that compliance takes longer than enforcement. Any enforcement actions that occur are quickly remedied by applying for a permit within a few weeks.

**ENACTED AND ORDAINED** this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2020.

TOBYHANNA TOWNSHIP  
BOARD OF SUPERVISORS

ATTEST:

\_\_\_\_\_  
John E. Kerrick

\_\_\_\_\_  
Crystal Butler, Township Secretary

\_\_\_\_\_  
David Carbone

\_\_\_\_\_  
Brendon J. E. Carroll

\_\_\_\_\_  
John J. Holahan, III

**ORDINANCE NO. (2021) 193 TC 444**  
**TC-8-20, Short-Term Rentals**

**AN ORDINANCE TO REPEAL HOMESTAY REGULATIONS AND REPLACE WITH REGULATIONS FOR SHORT-TERM RENTAL A TYPE OF OVERNIGHT LODGING— AND TO ALLOW SHORT TERM RENTAL IN CERTAIN ZONING DISTRICTS THAT PERMIT RESIDENTIAL USES.**

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT:**

**Section 1.** Section 6.1.4 of the Part 10 Raleigh Unified Development Ordinance, Allowed Principal Use Table, is hereby amended by deleting: “Homestay” underneath the “Overnight Lodging, Except as Listed Below” heading and replacing with: “Short-Term Rental” marking it as a Limited Use in the following zoning districts:

R-1, R-2, R-4, R-6, R-10, RX, OX, NX, CX, DX.

**Section 2.** Section 6.4.6.A of the Part 10 Raleigh Unified Development Ordinance, Overnight Lodging Use Category, is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough.

**A. Overnight Lodging Category**

Accommodations arranged for short term stays. Overnight lodging includes the following uses:

1. Bed and Breakfast.
2. Hospitality House.
3. Hotel, Motel, Inn.
4. ~~Youth~~ Hostel.
5. Short Term Rental.

**Section 3.** Section 6.4.6 of the Part 10 Raleigh Unified Development Ordinance, Overnight Lodging, is hereby amended by repealing all of subsection E “Homestays” and replacing with the following language.

**E. Short-Term Rental**

**1. Defined**

A dwelling unit that can be used for overnight lodging accommodations that is provided to renters for no longer than 30 days for compensation. A portion of or the entire dwelling unit can be used for lodging, including part or all of an accessory structure.

**2. Use Standards**

- a. Every short-term rental operator shall first apply for and procure a zoning permit from the City. Zoning permits must be renewed annually.

- b. Cooking facilities are not permitted in any bedroom. For the purpose of this regulation, cooking facilities include any refrigerator in excess of seven cubic feet; any stovetop range that operates on 220 volt electric service; any appliance that operates on natural gas; or any cooktop, whether integrated into a countertop or a separate appliance, which contains more than two cooking surfaces or burners. This shall not prohibit cooking facilities within a one-room studio short term rental. For the purpose of this regulation, a studio shall be a single-room rental with a sleeping area, living area and kitchen/eating area in one consolidated room.
- c. No exterior advertising shall be allowed.
- d. In residential zoning districts, short term renters shall not utilize the premises for holding special events or gatherings.
- e. For single-unit and two-unit living the premise shall not be used for “Live-Work” or a “Day Care, Home”. For multi-unit living the dwelling unit shall not be used for “Live-Work” or a “Day Care, Home”.
- f. For any multi-unit living use, no more than 25%, or two dwelling units, whichever is greater, may be used for short term rental in any single building.
- g. Short term rental operators shall comply with all applicable State and local laws, including those relating to fire and building codes, smoke detecting and carbon monoxide detecting equipment, housing codes, and payment of taxes to appropriate governmental entities, including occupancy taxes.
- h. Every short-term rental operator shall maintain for a period of three (3) years a list of all short-term rental lodgers staying on the premises.
- i. The zoning permit number authorizing the short-term rental shall be conspicuously posted on:
  - i. all advertisements for short term rentals, and
  - ii. the subject property.

### **3. Civil Penalty**

Violations of section 6.4.6.E shall be subject to the civil penalties as set forth in section 10.4.2 of this UDO.

### **4. Revocation of permit**

The City shall revoke the short-term rental permit following a written determination that any resident of the facility, resident manager of the facility, and/or operator of the facility have been:

- a. Convicted of violating a Criminal Law within a 365-day period on the short-term rental premise. “Criminal Law” means a conviction of any of the following:
  - i. Article 27 of Chapter 14 of the North Carolina General Statutes.

- ii. Article 3 of Chapter 18B of the North Carolina General Statutes.
- iii. N.C.G.S 14-71.1.
- iv. N.C.G.S 14-292.

- b. Received within a 365-day period two or more “Verified Violations” of any combination of:
  - i. Any City Code zoning regulation on the short-term rental premise.
  - ii. Any noise regulation on the short-term rental premise.
  - iii. Any nuisance prohibited by City Code section 12-6002 on the short-term rental premise.
- c. A Verified Violation means a determination made by a City Code enforcement official, Police Officer, or judge, with notice of violation of the City Code, opportunity to respond to the noticed alleged offenses and an order or other mandate issued to the owner or any other person imposing a sanction or requiring further actions to comply with the City Code, including, without any limitation, the payment of civil penalties or administrative fees, or implementation of corrective measures, or cessation of activities, or conviction of a criminal Code offense for failure to comply with the Code provisions listed in this subsection. A verified violation that is appealed continues as a verified violation unless it is overturned on appeal. If the violation is reinstated on a further appeal, it resumes its status as a verified violation.

Once lawfully revoked, a new permit for a short-term rental cannot be issued or re-instated for the premise for a period of 365 days.

**Section 4.** The application fee applied to a short-term rental shall be the commercial zoning permit fee as listed in the Development Services Fee Guide. Annual renewal rates shall be equal to the mount of the original zoning permit fee.

**Section 5.** All laws and clauses of laws in conflict herewith are repealed to the extent of such conflict.

**Section 6.** If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

**Section 7.** This text change has been reviewed by the Raleigh City Planning Commission.

**Section 8.** This ordinance has been adopted following a duly advertised public hearing of the Raleigh City Council.

**Section 9.** This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code. All criminal sanctions shall be the maximum allowed by law notwithstanding the fifty-dollar limit in N.C.G.S. §14-4(a) or similar limitations.

**Section 10.** This ordinance is effective 30 days after adoption. Compliance with this ordinance is required 90 days from the effective date.

**ADOPTED:** February 2, 2021  
**EFFECTIVE:** March 4, 2021

Ordinance O-1920-56  
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AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADDING 13-108(u) SHORT TERM RENTAL FEE; ADDING ARTICLE XXXV SHORT TERM RENTALS, SECTIONS 13-3500 THROUGH 13-3508; ADDING PURPOSE, GENERAL CONDITIONS, LICENSE APPLICATION REQUIREMENTS, ISSUANCE OF LICENSE REQUIREMENTS, COVENANTS; DEED RESTRICTIONS; OVERLAY REQUIREMENTS, FEES, REQUIRED INFORMATION TO BE POSTED AND PROVIDED TO GUESTS, LICENSE RENEWAL, LICENSE DENIAL, SUSPENSION OR REVOCATION; AMENDING THE FOLLOWING SECTIONS IN ARTICLE XIV OF CHAPTER 22 (ZONING ORDINANCE), 420.1 (A-1, GENERAL AGRICULTURAL DISTRICT), 420.2 (A-2, RURAL AGRICULTURAL DISTRICT), 420.3 (RE, RESIDENTIAL ESTATE DWELLING DISTRICT), 421.1 (R-1, SINGLE-FAMILY DWELLING DISTRICT), 422.2 (RM-4, MOBILE HOME PARK DISTRICT), 422.9 (O-1, OFFICE-INSTITUTIONAL DISTRICT), 423.1 (CO, SUBURBAN OFFICE COMMERCIAL DISTRICT), 424.2 (TC, TOURIST COMMERCIAL DISTRICT), 429, (MUD, MIXED USE DEVELOPMENT DISTRICT); ADDING SECTION 431.11, SHORT-TERM RENTALS; AND AMENDING SECTION 450 (DEFINITIONS) ALL IN ORDER TO UPDATE CITY CODE LICENSING PROVISIONS AND THE ZONING ORDINANCE TO ALLOW FOR SHORT TERM RENTALS, AND TO ADD DEFINITIONS AND OTHER RELATED PROVISIONS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

\* \* \* \* \*

§ 1. That Section 13-108 of Chapter 13 shall be amended to read as follows:

**SEC. 13-108 – Fee schedules for licenses and permits and occupational taxes.**

\*\*\*\*

(u) Short-Term Rentals ..... \$150 license fee; \$50 inspection fee

\*\*\*\*

§ 2. That Article XXXV shall be added to Chapter 13 of the Code of the City of Norman and be titled as follows;

ARTICLE XXXV – SHORT TERM RENTALS



- § 3. That Sections 13-3500 through 13-3508 of Chapter 13 of the Licenses and Occupations of the City of Norman shall be added to read as follows:

**Sec. 13-3500. Purpose.**

A Short-Term Rental is defined as the rental of an existing or otherwise permitted dwelling structure or any portion thereof, for a period of not more than thirty (30) days, where the owner is engaged in a contract for the rental of that specific dwelling, or any portion thereof. An annual Short-Term Rental license may be issued to eligible Applicants by the City Clerk. A Short-Term Rental license is a privilege, not a right, and may be denied, suspended, revoked or not renewed. This definition shall not be interpreted to alter, add to, or in any way supersede existing zoning uses allowed in zoning districts, particularly provisions regarding the allowance, or not, of accessory dwelling structures. (See Chapter 22 – Sections 420.1 A-1, 420.2 A-2, 420.3 RE, 421.1 R-1, 422.2 RM-4, 422.9 O-1, 423.1 CO, 424.2 TC, 429 MUD, 423.11 Additional District Provisions, 450 Definitions.)

**Sec. 13-3501. General Conditions.**

- (1) No person shall manage or operate a Short-Term Rental without a license and appropriate fees paid as provided herein.
- (2) An Applicant may be issued up to four (4) Short-Term Rental license(s); unless the Applicant complies with Sec. 434.1 – Special Uses;
- (3) Only one party of guests are permitted per Short-Term Rental and anyone under the age of 18 is prohibited from renting the Short-Term Rental;
- (4) Use of the Short-Term Rental for any commercial or social events is prohibited;
- (5) The Short-Term Rental shall outwardly appear as a residential dwelling;
- (6) Short-Term Rentals shall not adversely affect the residential character of the neighborhood nor shall the use generate noise, vibration, glare, odors, or other effects that unreasonably interfere with any person's enjoyment of his or her residence;
- (7) A licensee or guest of a Short-Term Rental shall not use or allow use of sound equipment, amplified music and musical instruments;
- (8) A licensee or guest of a Short-Term Rental shall not violate any parking ordinances of the Norman City Code;
- (9) A licensee of a Short-Term Rental who does not reside within the Norman metro area must identify an individual or individuals to serve as a local contact to respond to emergency conditions;

- (10) A local contact designated in the License Application must be present within the Norman metro area and be available to respond within one hour after being notified of an emergency by a guest of the Short-Term Rental, by a City employee, or by an individual;
- (11) If there is a change related to a local contact, the licensee must provide updated or new information to the City Clerk in writing within three business days;
- (12) The license holder shall provide the valid license number on any listing advertising or soliciting the property for use as a Short-Term Rental. The license holder shall only advertise the Short-Term Rental as allowed by their Short-Term Rental license. An owner, or a person in control of a dwelling, may not advertise or promote, or allow another to advertise or promote, the dwelling as a Short-Term Rental if the dwelling is not licensed by the City as a Short-Term Rental;
- (13) If a building permit prohibiting occupancy of the structure is active, no person may occupy, for sleeping or living purposes, the structure until final inspections have been passed, the building permit is closed, and a certificate of occupancy granted.

**Sec. 13-3502. License Application Requirements.**

To obtain a license, the owner of a Short-Term Rental must submit an Application in a format approved by the City Clerk. The Applicant must attest to the following and furnish any necessary documentation upon request of the City:

- (1) The name, street address, mailing address, and telephone number of the owner of the Short-Term Rental, which includes the owner's primary physical address, a mailing address, cell phone number and email address;
- (2) The name, street address, mailing address, and telephone number, which includes the primary physical address, a mailing address, cell phone number and email address, of the local contact available to be reached 24 hours per day and seven (7) days per week;
- (3) A certification by the property owner and, if applicable, property manager, that the property is not subject to outstanding City Code or state law violations;
- (4) Proof of current, valid property insurance;
- (5) Proof of payment of transient guest room tax due as of the date of submission of the Application;
- (6) The number of bedrooms and the proposed occupancy limits;

- (7) A diagram showing the proposed layout of the property use and any on-site parking available, including a floor plan indicating fire exits and escape routes;
- (8) All required egress windows in bedrooms must be operational;
- (9) Has operational smoke detectors and carbon monoxide detectors as required by the Building Code and fire extinguishers as required by the Fire Code;
- (10) That the property is in compliance with applicable provisions of the City's minimum property maintenance, building, electrical, mechanical and plumbing codes;
- (11) An annual inspection;
- (12) Notification of affected property owners: All recorded property owners immediately adjacent to or directly across the street or alley in any direction from the subject property shall be notified of an Application for a Short Term Rental. This notice, as provided by the City Clerk's Office with the Application, shall contain the name, address, phone number, email of the property owner and the required local contact person, along with contact information for City offices, such as Code Enforcement, the Norman Police Department, Parking Services and any other necessary contact information;
- (13) Any other information requested by the City; and
- (14) Any fraud, material misrepresentation, or false statements contained in the attestations, required documentations, or correlating application material shall be grounds for immediate revocation of Short-Term Rental license. Furthermore, all requirements herein, shall be continuously maintained throughout the duration of the permit.

**Sec. 13-3503. Issuance of License Requirements.**

Upon satisfactory submission of the required attestations and requested documentation, the City may issue an annual Short-Term Rental license. The license shall contain the following information:

- (1) Street address of the Short-Term Rental;
- (2) License holder's name;
- (3) License number and rental limitations, including bedroom limit and guest occupancy limit;
- (4) Contact information (name, cell phone, email) of local contact able to respond to on-premises complaints;

- (5) Proof of payment of transient guest room tax as of the date of submission of the Application;
- (6) Dates license is valid;
- (7) The structure has a valid certificate of occupancy or compliance, as required by Chapter 5 of the City Code, issued no more than ten years before the date the application is submitted to the City (or the structure has been determined by the city code official not to pose a hazard to life, health, or public safety, based on a minimum life-safety inspection); and
- (8) The property is not subject to outstanding City Code or state law violations. A violation of any provision of the City Code or other applicable law is grounds to deny, suspend, or revoke a license.

**Sec. 13-3504. Covenants; deed restrictions; overlay requirements**

This section or any section therein is not intended to be construed in derogation of or in conflict with any restrictive covenant, deed restriction or lease agreement that may be applicable. This section or any section therein shall be subject to any applicable overlay district or provision thereof or any zoning restriction unique to a particular area or parcel.

**Sec. 13-3505. Fees.**

Annual fees for the initial issuance and renewal of the Short-Term Rental license shall be \$150 for the Short Term Rental license and \$50 for an annual inspection.

**Sec. 13-3506. Required Information to be Posted and Provided to Guests.**

The license holder shall post the following information in a prominent location in the interior, clearly visible to guests and provide a packet of the information, summarizing the restrictions applicable to Short-Term Rental use, including:

- (1) The license registration, which includes license number;
- (2) Operator's name and number and property manager, if applicable, name and number;
- (3) Local contact person name and number;
- (4) The location of any on-site and off-site parking spaces available for guests;
- (5) Occupancy limits;

- (6) Noise restrictions, including prohibition on the use of sound equipment, amplified music and musical instruments;
- (7) Parking restrictions;
- (8) Information on relevant burn bans;
- (9) Information on relevant water restrictions;
- (10) Trash and recycling collection rules and dates;
- (11) Prohibition on the use of the Short-Term Rental for commercial or social events; and
- (12) Floor plan with fire exit and escape routes.

**Sec. 13-3507. License Renewal.**

Except as otherwise provided, a license may be renewed annually if:

- (1) The licensee pays the renewal fee as established herein;
- (2) The licensee provides documentation showing the transient guest room tax has been paid for the licensed unit as required;
- (3) The licensee provides updates of any changes to the information required;
- (4) The property is not the subject of outstanding City Code or state law violations;
- (5) The City may deny an application to renew a license if the Applicant does not provide all information necessary to determine that the dwelling unit meets all requirements for the issuance or renewal of a license;
- (6) A violation of any provision of the City Code or other applicable law is grounds to deny, suspend, or revoke a license;

**Sec. 13-3508. License Denial, Suspension or Revocation.**

- (1) If the licensee fails to comply with any conditions of the Short-Term Rental requirements; the City may deny, suspend or revoke the Short-Term Rental license;
- (2) If a property is the subject of violations of the City Code or state law during a 24-month period prior to submitting the Application, the City may deny, suspend or revoke an application for a Short-Term Rental license based on the following:
  - (a) The frequency of any repeated violations;
  - (b) Whether a violation was committed intentionally or knowingly; or

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- (c) Any other information that demonstrates the degree to which the owner or occupant has endangered public health, safety, or welfare.
- (3) If an Application is denied, suspended or revoked, and an Applicant desires to submit a new Application, the Applicant must comply with Sec. 434.2 – Special Uses.

\* \* \* \* \*

§ 4. That Article XI of Chapter 22, Zoning Ordinance, of the City of Norman shall be amended to read as follows:

**SEC. 420.1 – A-1, GENERAL AGRICULTURAL DISTRICT**

\* \* \*

2. Uses permitted. Property and buildings in an A-1, General Agricultural District shall be used only for the following purposes:

\* \* \*

- (j) Medical Marijuana Education Facility (cultivation activities only), as allowed by state law.
- (k) Short-term rentals.

\* \* \*

**SEC. 420.2 – A-2, RURAL AGRICULTURAL DISTRICT**

\* \* \*

2. Uses permitted. Property and buildings in an A-2, Rural Agricultural District shall be used only for the following purposes:

\* \* \*

- (j) Medical Marijuana Education Facility (cultivation activities only), as allowed by state law.
- (k) Short-term rentals.

\* \* \*

**SEC. 420.3 – RE – RESIDENTIAL ESTATE DWELLING DISTRICT**

\* \* \*

2. Uses permitted. Property and buildings in an RE, Residential Estate Dwelling District shall be used only for the following purposes:

\* \* \*



- (e) Accessory buildings, including barns, sheds and other farm buildings which are not a part of the main building. One guest house may be utilized provided (a) it is clearly secondary to the larger main dwelling; (b) the structure is not rented or leased, nor used as a permanent dwelling; (c) is not a mobile home.
- (f) Short-term rentals.

\* \* \*

**SEC. 421.1 – R-1, SINGLE FAMILY DWELLING DISTRICT**

- 1. Uses permitted. Property and buildings in an R-1, Single Family Dwelling District, shall be used only for the following purposes:

\* \* \*

- (h) Model Home, subject to a one hundred dollar (\$100.00) annual permit, as provided in Sec. 22:450 (84) for no more than four (4) years.
- (i) Short-term rentals.

\* \* \*

**SEC. 422.2 – RM-4, MOBILE HOME PARK DISTRICT**

\* \* \*

- 2. Uses permitted. Property and buildings in the RM-4 District shall be used only for the following purposes:

\* \* \*

- (c) Mobile home subdivision.
- (d) Short-term rentals.

\* \* \*

**SEC. 422.9 – O-1, OFFICE-INSTITUTIONAL DISTRICT**

\* \* \*

- 2. Uses permitted. Property and buildings in O-1, Office-Institutional District, shall be used only for the following purposes:

\* \* \*

- (d) Buildings and structures and uses customarily incidental to the above uses.
- (e) Short-term rentals.

\* \* \*

**SEC. 423.1 – CO, SUBURBAN OFFICE COMMERCIAL DISTRICT**

\* \* \*

2. Uses permitted. Property and buildings in a CO, Suburban Office Commercial District, shall be used only for the following purposes:

- (a) Any of the following uses:  
 (1) Apartment Hotel.

\* \* \*

- (12) Child Care Center, as specified in Section 438.3.  
 (13) Short-term rentals.

\* \* \*

**SEC. 424.2 – TC, TOURIST COMMERCIAL DISTRICT**

\* \* \*

2. Uses permitted.

- (a) Any of the following uses:  
 (1) Amusement enterprises.

\* \* \*

- (20) Child Care Center, as specified in Section 438.3.  
 (21) Short-term rentals.

\* \* \*

**SEC. 429 – MUD, MIXED USE DEVELOPMENT DISTRICT**

\* \* \*

2. Uses Permitted.

- (a) Residential uses.

\* \* \*

- (j) Self-service laundry.  
 (k) Short-term rentals.  
 (l) Studios and shops of artists and artisans (including sales).

(m) Any use which, in the opinion of the City Council, would be similar in character to those enumerated above and is not more obnoxious or detrimental to the area in which it is located by reason of noise, offensive odor, smoke, dust, vibration, traffic congestion, or danger to life and property.

\* \* \*

§ 5. That Article XII – ADDITIONAL DISTRICT PROVISIONS, Section 431.11 of Chapter 22, Zoning Ordinance, shall be added to read as follows:

**SEC. 431.11 – SHORT TERM RENTALS** (See Chapter 13 – Licenses and Occupations, Sections 13-3500 through 13-3508)

- (1) No person shall manage or operate a Short-Term Rental without a license and appropriate fees paid as provided in Chapter 13-Licenses and Occupations, Section 13-3505;
- (2) An Applicant may be issued up to four (4) Short-Term Rental license(s); unless the Applicant complies with Sec. 434.1 – Special Uses;
- (3) Only one party of guests are permitted per Short-Term Rental and anyone under the age of 18 is prohibited from renting the Short-Term Rental;
- (4) Use of the Short-Term Rental for any commercial or social events is prohibited;
- (5) The Short-Term Rental shall outwardly appear as a residential dwelling;
- (6) Short-Term Rentals shall not adversely affect the residential character of the neighborhood nor shall the use generate noise, vibration, glare, odors, or other effects that unreasonably interfere with any person's enjoyment of his or her residence;
- (7) A licensee or guest of a Short-Term Rental shall not use or allow use of sound equipment, amplified music and musical instruments;
- (8) A licensee or guest of a Short-Term Rental shall not violate any parking ordinances of the Norman City Code;
- (9) A licensee of a Short-Term Rental who does not reside within the Norman metro area must identify an individual or individuals to serve as a local contact to respond to emergency conditions;
- (10) A local contact designated in the License Application must be present within the Norman metro area and be available to respond within one hour after being notified of an emergency by a guest of the Short-Term Rental, by a City employee, or by an individual;

- (11) If there is a change related to a local contact, the licensee must provide updated or new information to the City Clerk in writing within three business days;
- (12) The license holder shall provide the valid license number on any listing advertising or soliciting the property for use as a Short-Term Rental. The license holder shall only advertise the Short-Term Rental as allowed by their Short-Term Rental license. An owner, or a person in control of a dwelling, may not advertise or promote, or allow another to advertise or promote, the dwelling as a Short-Term Rental if the dwelling is not licensed by the City as a Short-Term Rental; and
- (13) If a building permit prohibiting occupancy of the structure is active, no person may occupy, for sleeping or living purposes, the structure until final inspections have been passed, the building permit is closed, and a certificate of occupancy granted.

\* \* \*

§ 6. That Article XIV, DEFINITIONS, Section 450 shall be amended as follows:

**SEC. 450 – DEFINITIONS**

\* \* \*

(121) SHOPPING CENTER. One or more commercial buildings which are planned, developed, owned, or managed as a unit, which provide shared facilities, including parking. Although typically utilized for retail sale of goods and merchandise, offices, theaters, and food service tenants are authorized uses. Food service establishments are those which exclusively provide for on-premise consumption of prepared food.

(121.1) SHORT-TERM RENTALS. A Short-Term Rental is defined as the rental of an existing or otherwise permitted dwelling structure, or any portion thereof, for a period of not more than thirty (30) days, where the owner is engaged in a contract for the rental of that specific dwelling, or any portion thereof. An annual Short-Term Rental license may be issued to eligible Applicants by the City Clerk. A Short-Term Rental license is a privilege, not a right, and may be denied, suspended, revoked or not renewed. This definition shall not be interpreted to alter, add to, or in any way supersede existing zoning uses allowed in zoning districts, particularly provisions regarding the allowance, or not, of accessory dwelling structures. (See Chapter 13 – Licenses and Occupations, Sections 13-3500 through 13-3508.)

\* \* \*

§ 7. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance,

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except that the effective date provision shall not be severable from the operative provisions of the ordinance.

§ 8. Effective date. The effective date of the Ordinance shall be \_\_\_\_\_, 2020.

ADOPTED this 28th day  
of JULY, 2020.

Brea Clark  
Brea Clark, Mayor

NOT ADOPTED this \_\_\_\_\_ day  
of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Brea Clark, Mayor

ATTEST:

Ellen Usry  
Ellen Usry, Deputy City Clerk



# HAYES TOWNSHIP SHORT TERM RENTAL ORDINANCE

## Ordinance No. 031113 of 2013

AN ORDINANCE PURSUANT ACT 246 OF THE PUBLIC ACTS OF 1945, AS AMENDED, TO PERMIT AND REGULATE SHORT TERM RESIDENTIAL RENTALS WITHIN THE TOWNSHIP, TO INSURE THE PUBLIC HEALTH, SAFETY AND WELFARE, AND TO PROVIDE PENALTIES FOR VIOLATIONS THEREOF

THE TOWNSHIP OF HAYES ORDAINS:

### Section 1. Definitions As used in this Ordinance,

“Bedroom” means a separate room or space with a door, a closet and a window, used or intended to be used specifically for sleeping purposes...

“Dwelling unit” means a building or portion of a building providing complete, independent living facilities for one or more persons, including permanent provisions for living, eating, cooking, sanitation, and a separate bedroom(s) for sleeping.

“Habitable space” means space in a structure for living, sleeping, eating or cooking. Bathrooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

“Occupancy” means the purpose for which a dwelling unit or portion thereof is utilized or occupied.

“Occupant” means any individual living or sleeping in a dwelling unit, or having possession of a space within a dwelling unit.

“Operator” or “Owner” means any person who owns or has charge, care or control of a dwelling unit which is offered for rent.

“Person” means an individual, firm, corporation, association, partnership, limited liability company, or other legal entity.

“Rent” or “Rental” means to permit, provide for, or offer possession or occupancy of a dwelling unit in which the owner does not reside for a period of less than thirty (30) days to a person who is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license.



“Short Term Rental” means any dwelling or condominium or portions thereof, in which the owner does not reside, that is available for use or is used for accommodations or lodging of guests, paying a fee or other compensation for a period of less than thirty consecutive days.

“Tenant” means a person who is not the legal owner of record and who is occupying a dwelling unit pursuant to a written or unwritten rental lease, agreement or license.

## **Section 2. License Required.**

No person shall rent or cause to be rented a dwelling unit or efficiency dwelling unit within Hayes Township for a period less than thirty (30) days without first obtaining a license from the Township Zoning Administrator pursuant to the requirements of this Ordinance.

## **Section 3. Application and Fee Requirements.**

An operator seeking a license under this Ordinance shall submit a complete application to the Zoning Administrator and pay the required fee, which shall be determined from time to time by resolution of the Township Board. The application shall include proof of ownership of, or the legal right to rent, a dwelling unit or and all information reasonably necessary for the zoning administrator to determine whether the applicable standards for approval provided in Section 4 have been met.

## **Section 4. Standards for Approval**

The zoning administrator shall approve, or approve with conditions, an application for a short term rental license only upon a finding that the application complies with all of the following applicable standards:

- 1) Maximum occupancy will be based on two (2) adult people per bedroom
- 2) The dwelling unit must meet all residential building, health department, and safety codes.
- 3) The operator shall provide ample off street parking to accommodate occupant's vehicles.
- 4) The appearance of the dwelling shall not conflict with the residential character of the neighborhood. The structures shall be properly maintained, and kept in good repair, in order that the use in no way detracts from the general appearance of the neighborhood. Garbage must be kept in a closed container and disposed of on a regular weekly schedule.

5) No sign shall be posted to advertise the availability of the short term residential rental unit to the public.

6) The owner shall keep on file with the Township the name and telephone number of a contact person who shall be responsible for responding to questions or concerns regarding the operation of the short-term rental. This information must be kept current. This information also shall be posted in a conspicuous location within the dwelling unit. The contact person must be available to accept telephone calls on a 24 hour basis at all times that the short-term rental is rented and occupied. The contact person must have a key to the rental unit and be able to respond to the short-term rental within sixty (60) minutes to address issues or must have arranged for another person to address issues within the same timeframe. The requirement for identifying a contact person applies to each person or entity making arrangements for renting a given short term rental. The owner shall notify neighboring dwelling units within 300 feet from the rental dwelling unit in writing that the property is a permitted short-term rental and shall provide a telephone number of the rental agency, if any, or other local contact person as required by Section 4. 6

7) The Owner or a Managing Agency or Agent or Contact shall provide the tenant or lessees of a Short-term Residential Rental with the following information prior to occupancy of the Premises and post such information in a conspicuous place within the dwelling on the Premises:

(a) The name of the Contact Person, and a telephone number at which they may be reached on a twenty-four-hour basis; and

(b) Notification of the maximum number of overnight occupants permitted on the Premises pursuant to this Ordinance; and

(c) Notification of the parking standards of this Ordinance; and

(d) A copy of this Ordinance, as may be amended from time to time; and

(e) Notification that an occupant may be cited or fined by the Township, in addition to any other remedies available at law, for violating any provisions of this Ordinance.

8) All land-based recreational activities to be limited to rented premises and shall not encroach on neighboring properties.

9) Campfires in designated 'fire pit' areas away from water's edge, trees, and property lines. Fires must be attended at all times and properly extinguished after use.

10) Tenants of a property used for Short-Term Rental use shall not create a nuisance. For purposes of this subsection, a nuisance includes but is not limited to any of the following:

- a). Playing or using a radio, phonograph, compact disc player, tape player, television, musical instrument, sound amplifier, or other electronic or mechanical sound-producing device in such a manner or with such volume so as to disturb the quiet, comfort or repose of a reasonable person of normal sensitivities.
- b). Yelling, shouting, hooting, singing, or making other noise that because of its volume, frequency, or shrillness unreasonably disturbs the quiet, comfort or repose of a reasonable person of normal sensitivities.
- c). Sounding or using any horn, siren, whistle, bell or other warning device so as to unreasonably disturb the quiet, comfort or repose of another person.

## **Section 5. Duration of License, Re-application.**

A license issued under this Ordinance shall remain in effect until the happening of one or more of the following events:

- (1) The dwelling unit is physically altered in such a way that the habitable space within the unit is increased, decreased, or re-distributed among living, sleeping, eating, or cooking areas.
- (2) This Ordinance is amended to alter the standards for approval contained in Section 4.
  - (a) If a license is no longer in effect as a result of subsection above, the operator shall re-apply for a new license following the same procedures for a new license.
  - (b) A Short-Term Rental Use license may not be transferred or assigned to any third party except heirs and assigns, and the license shall be void upon transfer of ownership of the property where the Short-Term Rental Use is located. Upon change of ownership, the new owner must apply for a new Short-Term Rental Use License in order for Short-Term Rental Use activity to be authorized.

## **Section 6. Inspections and Conditions.**

Upon written complaint, the zoning administrator may make periodic inspections of a short-term rental to ensure continuing compliance with the approval standards specified in Section 4 of this Ordinance. In addition, the zoning administrator may impose reasonable conditions on a license issued under this Ordinance which are reasonably necessary to ensure compliance with the approval standards provided in Section 4 of this Ordinance.

## **Section 7. Suspension or Revocation of Short Term Rental License.**

Grounds for Suspension or Revocation. In addition to any other penalty authorized by law, a short term rental license may be suspended or revoked if the Zoning Administrator finds by competent, material, and substantial evidence and after written notice of the charges to the owner and an opportunity to be heard, that the licensee or his or her agents or employees has or have violated, or failed to fulfill, the requirements of this Ordinance, including the approval standards specified in Section 4 of this Ordinance. The written notice of the charges and the notice of the hearing shall be personally served on the owner or served on the owner by certified mail, restricted delivery, no less than 21 days before the hearing before the Zoning Administrator.

1) Upon a finding by the Zoning Administrator of a First violation within any twelve (12) month period, the short term rental license may be suspended for up to thirty (30) days and during said time the premises shall not be utilized for a short term rental.

2) Upon a finding by the Zoning Administrator of a Second violation within any twelve (12) month period, the short term rental license shall be suspended for thirty (30) days and during said time the premises shall not be utilized for a short term rental.

3) Upon a finding by the Zoning Administrator of a Third violation within any twelve (12) month period, the short term rental license shall be revoked and the owner or Managing agency or Agent who had been issued the short term rental license shall not again be issued a short term rental license for a period of twenty-four (24) months and during said time the premises shall not be utilized for a short term rental. Appeal from denial or suspension or revocation of a short term rental license is allowed.

## **Section 8. Appeal.**

Any applicant for short term rental license whose application was denied by the Zoning Administrator, and any licensee whose short term rental license is suspended or revoked by the Zoning Administrator, may, within ten (10) days following such decision, appeal such decision to the Zoning Board of Appeals, in which event the decision of the Zoning Administrator shall be vacated the Zoning Board of Appeals shall determine whether to affirm, reverse, or modify the decision of the Zoning Administrator in accordance with the requirements for short term rentals set forth in this section. At least fourteen (14) days prior to the Zoning Board of Appeals meeting to consider the appeal of the applicant or licensee, the Zoning Administrator or authorized designee, shall send, by United States mail, certified, written notice to the applicant or licensee of the time and place at which the Zoning Board of Appeals will consider the application, suspension or revocation, and the applicant or licensee shall be provided an opportunity to be heard by the Zoning Board of Appeals prior to its decision being made. All neighbors within 300 feet must also be notified by United States mail the date, time and location of the Zoning Board of Appeals meeting. The decision of the Zoning Board of Appeals shall be final. The Zoning Board of Appeals Secretary shall notify the applicant or licensee, as applicable, in writing of the decision of the Zoning Board of Appeals. If the Zoning Board

of Appeals affirms the decision of the Zoning Administrator denying an application or suspending or revoking a license, the applicant or licensee shall have the right to appeal the decision to the circuit court. The decision of the Zoning Board of Appeals shall not be vacated during the pendency of any appeal to Circuit Court.

The applicant for a short term rental license has the right to seek a stay in Circuit Court.

## **Section 9. Prohibited Activities.**

A tenant shall not violate any of the approval standards specified in Section 4 of this Ordinance.

## **Section 10. Nuisance.**

A violation of this Ordinance is hereby declared to be a public nuisance, a nuisance per se and is hereby further declared to be offensive to the public health, safety and welfare.

## **Section 11. Violations.**

A person who violates any provision of this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of Five Hundred and 00/100 (\$500.00) Dollars. Each day this Ordinance is violated shall be considered a separate violation.

## **Section 12. Enforcement Officials.**

The Zoning Administrator and other persons designated by the Township Board are hereby designated as the authorized officials to issue municipal civil infractions directing alleged violators of this Ordinance to appear in court.

## **Section 13. Civil Action.**

In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

## **Section 14. Validity.**

If any section, provision or clause of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any remaining portions or application of this Ordinance which can be given effect without the invalid portion or application.

## **Section 15. Effective Date**

This Ordinance shall become effective thirty (30) after being published in a newspaper of general circulation within the township.